

R E P O R T

FROM THE

SELECT COMMITTEE

ON

CARLOW ELECTION PETITIONS;

TOGETHER WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, to be Printed,
11 March 1836.

Mortis, 16^o die Februarii, 1836.

Ordered, THAT a Select Committee be appointed, to inquire into the circumstances of the Traffic and Agreement alleged to have taken place between Daniel O'Connell and Alexander Raphael, Esquires, touching the Nomination and Return of the said Alexander Raphael as one of the Representatives in Parliament for the County of Carlow, at the last Election for that County, and the Application of the Monies said to have been received, and the circumstances under which the same were received and expended; and to report the Minutes of Evidence taken before them, with their Observations thereupon, to the House.

And a Committee was appointed of,--

Mr. Ridley Colborne.
Lord Francis Egerton.
Mr. Bannerman.
Mr. Barnaby.
Sir Ronald Ferguson.
Sir John Yaide Buller.

Mr. William Ord.
Sir Charles Brooke Vere.
Mr. Warburton.
Sir Eardly Wilnot.
Mr. Henry George Ward.

Ordered, THAT Sir Frederick Pollock and Mr. Serjeant Wilde do serve on the Committee to examine Witnesses, without the power of Voting.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the Circumstances of the Traffic and Agreement alleged to have taken place between *Daniel O'Connell* and *Alexander Raphael*, Esquires, touching the Nomination and Return of the said *Alexander Raphael* as one of the Representatives in Parliament for the County of *Carlow*, at the last Election for that County, and the Application of the Monies said to have been received, and the Circumstances under which the same were received and expended, and to Report the MINUTES OF EVIDENCE taken before them, with their Observations thereon;—HAVE inquired into the Matters to them referred, and have agreed to the following REPORT:

IT appears to your Committee that the subject may be arranged under Two Heads: The first, as relating to any Traffic or Agreement between Mr. Raphael and Mr. O'Connell for a Seat in Parliament; and the second, as to the Application of the Sum alleged to have been given.

It does not appear to Your Committee to be necessary for them to enter upon any detailed summary of the Evidence, but they feel it their duty to draw the attention of the House very briefly to the main points as they bear upon the question.

It appears that Mr. O'Connell addressed a Letter bearing date the 1st June 1835, to Mr. Raphael, in which an agreement for Mr. Raphael's Return for the County of Carlow, for £.2,000. was concluded. Your Committee cannot help observing, that the whole tone and tenor of this Letter were calculated to excite much suspicion and grave animadversion; but they must add, that, upon a very careful investigation, it appeared that previous conferences and communications had taken place between Mr. Raphael, Mr. Vigors and other persons connected with the County of Carlow, and that Mr. O'Connell was acting on this occasion at the expressed desire of Mr. Raphael, and was only the medium between Mr. Raphael and Mr. Vigors, and the Political Club at Carlow.

It appears that the Money was paid to Mr. O'Connell's general account at his Bankers in London: it was, however, advanced, the moment it was called for, to Mr. Vigors; and, though some of it was paid in bills, the discount was allowed; the amount, therefore, was available whenever wanted, and no charge of a pecuniary character can be attached to Mr. O'Connell.

It appears also that this Money has been expended under the immediate direction of Mr. Vigors and others connected with the County of Carlow, on what may be called Legal Expenses, or so unavoidable that your Committee see no reason to question their legality, and that the Balance was absorbed in defending the Return of Mr. Raphael and Mr. Vigors before the Committee appointed to investigate it on 28th July 1835.

11 March 1835.

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MINUTES OF EVIDENCE.

Veneris, 19^a die Februarii, 1836.

MEMBERS PRESENT.

Mr. N. W. Ridley Colborne.
Mr. Ord (Newcastle).
Sir Ronald Ferguson.
Mr. Barneby.
Mr. H. G. Ward.
Mr. Bannerman.

Sir Eardley Wilmot.
Sir Charles Brooke Vere.
Sir John Yarde Buller.
Lord Francis Egerton.
Mr. Warburton.

Sir Frederick Pollock.

MR. NICHOLAS W. RIDLEY COLBORNE CALLED TO THE CHAIR.

The Petition of several Freeholders of the County of Carlow was read.

The Petition of the Inhabitants of Bath was read.

Mr. James W. Lyon, solicitor, admitted Agent for the Inquiry.

Mr. Joseph Parkes admitted Agent for Daniel O'Connell, Esq.

[Adjourned to Monday se'n'ight the 29th instant, Twelve o'Clock.]

Lunæ, 29^a die Februarii, 1836.

MEMBERS PRESENT.

Mr. N. W. Ridley Colborne.
Lord Francis Egerton.
Mr. Bannerman.
Mr. Barneby.
Sir Ronald Ferguson.
Sir John Yarde Buller.

Mr. Ord (Newcastle).
Sir Charles Brooke Vere.
Mr. Warburton.
Sir Eardley Wilmot.
Mr. Henry George Ward.

Sir Frederick Pollock.

Mr. Serjeant Wilde.

MR. NICHOLAS W. RIDLEY COLBORNE IN THE CHAIR.

The Order of Reference was read:

Mr. O'Connell stated, that he thought it right to suggest to the Committee, whether, as he might himself be a witness, he ought to be allowed to remain in the room. Upon which a discussion arose, and the Committee decided that there was no objection to Mr. O'Connell being present.

Mr. Serjeant Wilde applied to the Committee, that as the Order of Reference of the Committee was in very general terms, a specific statement might be made of the charges against Mr. O'Connell, and quoted the decision of the Committee in General Darling's case, in which such a statement was required.

Sir Frederick Pollock stated, that he could not, from his ignorance of the evidence that would be given, give a specific statement of the charges, for that several persons had refused, on being applied to, to give any statement

statement to the attorney of what their evidence would be, and contended that all his duty was to examine witnesses, in order to assist the Committee in their judgment, and that there was a distinction between the present case and General Darling's, as the Order of Reference to this Committee was to inquire and report their observations upon the evidence.

Mr. Serjeant *Wilde* contended, that a statement ought to be given by some person of the nature of the charges to be inquired into, as without that it would be impossible for him properly to cross-examine the witnesses, or for the Committee properly to apply their minds to the evidence.

The Committee-room was cleared.

It was moved by the Chairman, that Sir Frederick Pollock proceed to call in the witnesses.

An amendment then was moved by Mr. Warburton, that before this Committee proceed to examine witnesses, the Parliamentary Agent employed for the prosecution of the inquiry be required to specify the misconduct whereof it is intended to charge Mr. O'Connell, which was negatived, and the previous resolution was carried.

(The parties were called in.)

Alexander Raphael, Esq., was called in; and Examined as follows:

Alexander Raphael,
Esq.

29 February 1838.

Mr. *Raphael*.—AS this is the first time in my life that I have been summoned as a witness, either here or elsewhere, I throw myself upon the protection and indulgence of this Honourable Committee. Having said this, I am prepared to answer explicitly, in the best manner that I can, every question that may be put to me, without any equivocation or mental reservation, as if I were upon my oath before my God and my country.

1. Sir *F. Pollock*.—WERE you a candidate at the last election for the county of Carlow?—Yes.
2. How soon did you become aware that the Committee on the former election had declared that election void; did you learn it the same day?—I learnt it on Wednesday the 27th of May.
3. From whom did you learn it?—From Mr. Vigors.
4. How soon after that did you see Mr. O'Connell?—The next day, on Thursday, Ascension-day.
5. Did anything pass between you and Mr. O'Connell on the subject of the Carlow election on that day?—Yes.
6. State to the Committee, to the best of your recollection, what then took place?—Mr. O'Connell called upon me at my house on that day, and he said, "Of course you have heard that there is a vacancy for Carlow?" I said, "Yes, I know it by the papers;" because Thursday's papers announced it. He then said, "Have you a mind, Mr. Raphael, to risk 1,000 £?" I said, "Mr. O'Connell, how much time would you give me to consider of it?" he said, "These things do not admit of much delay." I said, "Will you give me 24 hours?" he said, "Certainly;" and I said, "To-morrow, at 12 o'clock, I shall be with you with my answer."
7. Did anything more pass between you and Mr. O'Connell on that Thursday?—Yes; I said, "I will call upon you to-morrow at 12 o'clock." At first he said, "Yes;" then he said, "I shall be at the Committee at 12 o'clock; call upon me from half-past four o'clock to a quarter to five;" I told him I would do so.
8. Did you then separate?—Yes.
9. Did you call upon Mr. O'Connell the next day?—I did, to a minute, at his house.
10. Where?—In Clarges-street.
11. Mr. *Warburton*.—That was the 29th?—Friday, the 29th.
12. Sir *Frederick Pollock*.—Did you or not see Mr. O'Connell?—No, the servant said opened the door, and said Mr. O'Connell was not at home; I said,

"It must be a mistake, for I come by appointment; here is my card; say that Sheriff Raphael is here;" and she said, "He is not at home, sir." I left my card, and went away.

Alexander Raphael,
Esq.

13. Did you on that day receive a letter from Mr. O'Connell?—Late at night, on my return home, I found a letter on my table; that is the first letter that appears in my statement.

29 February 1836.

14. Have you that letter to produce here?—Yes.

15. Will you produce it?—I am ordered to produce it of course.

16. *Chairman.*—You have had a regular notice to produce it?—Do you order me to produce it?

17. *Chairman.*—Yes.—[*The Witness produced the same.*]

18. *Sir F. Pollock.*—Are you acquainted with the handwriting of Mr. O'Connell?—Never before.

Mr. O'Connell admitted it to be his handwriting.

[*The Letter was delivered in, and read, as follows:*]

My dear Sir,
I remained at home at some inconvenience until after the hour I mentioned. I was sorry I did not remain longer, as you called shortly after; but as you left no letter or other indication of acceding to my proposal, I take for granted that you decline my offer. Be it so. I only add my belief that you will never again meet so safe a speculation; I am quite sure I never will hear of one.

9, Charges-street, May 29, 1835.

I have the honour to remain, my dear Sir, your very faithful,

Alexander Raphael, Esq.

Daniel O'Connell.

19. *Sir F. Pollock.*—In consequence of receiving that letter, what did you do?—I sent, the next morning, a friend of mine to explain to Mr. O'Connell that I went there punctually to a minute, and that I was not admitted; then my friend brought word that he saw Mr. O'Connell, and Mr. O'Connell fixed the next day, at two o'clock, to see him at his house.

20. *Mr. Warburton.*—What day was that?—Sunday, the 31st of May.

21. *Sir F. Pollock.*—Did you the next day wait upon Mr. O'Connell at the time appointed?—I did.

22. Did you make any arrangement with Mr. O'Connell upon the subject of the Carlow election?—Yes; Mr. O'Connell asked me whether I would accede to the terms; I said, "Yes, I had made up my mind;" and then he said that at the nomination I was to pay 1,000 *l.*, and on my return another 1,000 *l.*; and while he was writing it, I said, "Of course I shall not be called upon to pay this second thousand pounds until I am seated."

23. Was anything reduced into writing?—Yes.

24. Have you the writing here to produce?—I have.

25. Produce it.—[*The Witness produced the same.*]

26. *Sir F. Pollock.*—I observe it is dated the 1st of June; how happened that?—I do not know.

27. Was it written on Sunday?—It was written at his house on Sunday.

[*The same was read, as follows:*]

My dear Sir,
You having acceded to the terms proposed to you for the election of the county of Carlow, viz. you are to pay before nomination 1,000 *l.*, say 1,000 *l.*, and a like sum after being returned; the first to be paid absolutely and entirely for being nominated; the second to be paid only in the event of your having been returned. I hereby undertake to guarantee and save you harmless from any and every other expense whatsoever, whether of agents, carriages, counsel, petitions against the return, or of any other description; and I make this guarantee in the fullest sense of the honourable engagement that you should not possibly be required to pay one shilling more in any event or upon any contingency whatsoever.

9, Charges-street, June 1, 1835.

I am, my dear Sir, your very faithful,

Alexander Raphael, Esq.

Daniel O'Connell.

28. *Sir F. Pollock.*—Did you see Mr. O'Connell in the course of Tuesday or Wednesday?—I do not recollect; I rather think not.

29. Did you hear from him on Thursday, the 4th of June?—Yes; I have the letter.

[*The Witness produced the letter.*]

30. Did you receive this letter on the 4th of June?—Yes.

Attest *Alex. Raphael,*
Esq.

29 February 1836.

31. Is that the handwriting of Mr. O'Connell?—Yes.

[The same was delivered in, and read, as follows:]

My dear Sir, 9, Clarges-street, June 4, 1835.
I have heard from Mr. Vigors this day. Our prospects are quite bright. I will arrange your address for to-morrow's post and my own for immediate publication. I at present entertain no doubt of success. You will hear again from me to-morrow. Who is Mr. Hamilton, with whom you have deposited the 1,000*l*? I do not know any person of that name in London. I hope I shall soon have the pleasure of sitting by your side in the House. Till to-morrow,

I have the honour to be your very faithful servant and friend,
Alexander Raphael, Esq. Daniel O'Connell.

32. Sir F. Pollock.]—Did anything pass between you and Mr. O'Connell on that day?—I did not see him; I only received that letter from him.

33. You did not see him or receive any other letter?—No, not on that day; I had written to him, I think, previously, to say that I would place the money, instead of in my banker's hands, in the hands of Mr. Hamilton: that was previously to my receiving this last letter.

34. Have you any copy of that letter?—I have not; but I have no objection to having that letter produced.

Sir F. Pollock.]—I do not know whether there would be any objection to producing this.

Mr. O'Connell.]—I have not preserved them; they are all burnt. You are entitled to give secondary evidence of them.

35. Sir F. Pollock.]—Do you remember on what day it was that you mentioned to Mr. O'Connell that you had deposited the 1,000*l* with Mr. Hamilton?—I wrote to him.

36. Was that in answer to any application by anybody?—No; I thought it right to acquaint Mr. O'Connell that I had placed the money in Mr. Hamilton's hands, and after that Mr. O'Connell wrote to me the answer which has been just read.

37. Did Mr. O'Connell settle your address for the electors of Carlow?—He sent it to me to look over.

38. About what time, what day was it?—I think one of the letters mentions.

39. Did he arrange your address?—He sent me an address to look at, and I sent it back approved, and I signed it.

40. When did you next hear from Mr. O'Connell?—Will you allow me to look at my statement?

41. Have you a letter of the 8th of June?—I have one previously to that; the next is only a letter from Mr. O'Connell's son.

42. What is the date of that?—The date is Saturday. I received it on the 6th of June.

43. Mr. Warburton.]—Which of Mr. O'Connell's sons?—Mr. Morgan.

Mr. O'Connell.]—It was written by my directions, and is my son's handwriting.

[The Witness produced the same, which was read, as follows:]

Sir, Clarges-street, Saturday.
I am directed by my father to apologize to you for his not having written to you according to his promise. You shall certainly hear from him this evening or in the course of to-morrow; and meantime he begs to assure you that every thing is going on as favourably as possible, and quite as he or you could wish.

I have the honour to be, Sir, your obedient humble servant,
— Raphael, Esq. Morgan O'Connell.

44. Did you receive a letter from Mr. O'Connell on the 8th of June?—I did.

45. Have you that letter here?—I have.

46. Produce it.—By your orders, Mr. Chairman?

46*. Chairman.]—Yes.

[The Witness produced the same, which was read, as follows:]

My dear Sir, London, June 8, 1835.
I sent off, yesterday, my letter to the electors of Carlow on your behalf. All my accounts confirm my opinion of an easy victory. I doubt whether there will be more than the show of a contest, but I am assured in any event of success. I send you a slip of
a Carlow

a Carlow newspaper, showing that you are already nominated under the most favourable auspices. I also send you the draft of an address. I beg of you to peruse it, and to return it to me with any corrections you may deem necessary; or if you approve of it, then with your signature. My wish is that you should alter it as little as you possibly can. I also send you a sealed letter from Mr. Vigors. I beg of you to return the address as near to 4 o'clock this day as you can, that I may transmit it to the Dublin Pilot for publication on Wednesday next. All the good men of Carlow see that paper. Let me know who the Mr. Hamilton is with whom you deposited the 1,000*l.* I expected you would have lodged it to my credit at Mr. Wright's. It is time that was done.

Alexander Raphael,
Esq.

29 February 1836.

Alexander Raphael, Esq.

Faithfully yours,
Daniel O'Connell.

47. Sir F. Pollock.]—What was the sealed letter from Mr. Vigors?—A letter from Mr. Vigors to me.

48. Where is it?—*[The Witness produced the same.]*

Mr. O'Connell.]—I am acquainted with Mr. Vigors's handwriting; I will tell you whether it is his; that is his.

49. Sir F. Pollock.]—Is that the letter that you received in a sealed cover?—It is.

50. Was the cover addressed to you?—Oh, yes; but I do not keep waste paper.

[The same was read, as follows:]

My dear Sir,

Carlow, June 5, 1835.

You will perceive by the accompanying resolutions, that you have been selected by the independent freeholders of our county as a candidate in conjunction with myself. The meeting was held on Wednesday, but we did not think it advisable to publish the resolutions until to-day, as we wished to wait for your address before we took that final step. As it has not arrived to-day, although we expected it through Mr. O'Connell, we think it necessary to publish your name at once, as the people are waiting in all anxiety to know the name of the second candidate. Everything promises certain success. The people are enthusiastic in the extreme, and many of our opponents at the last election have come over to us at the present crisis. Some doubts have arisen as to there being any contest at all. Your presence would be highly desirable, although not absolutely necessary, if very inconvenient to you. Were you to leave London by Tuesday you could arrive by that night's mail in Dublin on Thursday morning, and be down with us the same evening. You will be able to get an excellent chaise and horses that will bring you down, and answer for your canvass and during the election, at Gerty's, Baggott-street, Dublin. The election will commence on Monday, 15th.

Your's very faithfully,
N. A. Vigors.

Let me have a line from you by return of post.

51. Sir F. Pollock.]—Do you recollect whether you saw or heard anything from Mr. O'Connell on the 9th of June, the day after?—No, I do not recollect.

52. On the 10th of June, did you receive a letter from Mr. O'Connell?—I did.

[The Witness produced the same.]

53. Do you know whether that is the handwriting of John O'Connell which is added?—Mr. O'Connell.]—Yes, it is.

[The letter was read, as follows:]

Sir,

Wednesday, June 10, 1835.

I beg you will hand my son, Mr. John O'Connell, the 1,000*l.* placed with you by Mr. Raphael for my use. My son will give you a voucher at foot.

I have the honour to be, Sir, your obedient servant,

David O'Connell.

John Hamilton, Esq., 2, Henrietta-street.

There is an addition in John O'Connell's handwriting.

I acknowledge to have received 1,000*l.* by draft on Wright & Co.

John O'Connell.

June 10, 1835.

54. Sir F. Pollock.]—Did you receive any other letter on that day from Mr. O'Connell, directed to yourself?—Yes, I did.

55. Was this the 10th of June?—Yes.

[The Witness produced the same, which was read, as follows:]

Alexander Raphael,
Esq.

29 February 1835.

My dear Sir,
It is not my fault that Mr. Feargus O'Connor called on you; refer him and anybody else to me. I want part of the 1,000 *l.* to send over. How shall I communicate with Mr. Hamilton?

Wednesday.
Faithfully yours,
Daniel O'Connell.

All well, quite well, in Carlow.

56. Sir F. Pollock.]—Did you receive that letter before the application was made for the 1,000 *l.*?—The other letter was received by Mr. Hamilton, that letter in which Mr. John O'Connell acknowledges the receipt; but I have kept them all together myself; that was not received by me.

57. "I want part of the 1,000 *l.* to send over; how shall I communicate with Mr. Hamilton?" did you give any answer to that?—No, I gave no answer; having given directions to Mr. Hamilton to pay the 1,000 *l.*, of course I had nothing more to do with it. I sent a friend of mine to say that Mr. Feargus O'Connor called upon me, and that is the answer that Mr. O'Connell sent.

58. Did you hear from Mr. O'Connell on the 13th of June?—Yes.

59. Will you hand in the letter, if you received any on that day?—

[The Witness produced a letter, which was read, as follows:]

My dear Sir,
I send under this cover a letter I received for you; it came to me sealed as it stands. I am glad to tell you that our prospects of success are, I do believe, quite conclusive. If only one liberal is returned, you are to be the man. I send you the form of a qualification oath, which you must take, this day, if possible. You will have to fill up the name or names of the parish or parishes in which your qualification lands are situate, and also the name of the county. It must be sworn before two magistrates. This is a measure of precaution, but necessary to prevent any excuse for a petition. When you have copied this oath, and filled up the blanks, and sworn it before two Justices of the Peace, let me have it, that I may transmit it to Carlow by this day's post. You must therefore go about the matter at once. I have made all the pecuniary arrangements, &c. &c.

Clarges-street, June 13, 1835.

Believe me to be, respectfully, your faithful servant,
Alexander Raphael, Esq. Daniel O'Connell.

This was enclosed in it.

60. You now produce the enclosure in that letter?—Yes.

[The same was read, as follows:]

I, Alexander Raphael, do swear, that I truly and bona fide have such an estate in law or equity, to and for my own use and benefit, of or in lands, tenements or hereditaments (over and above what will satisfy and clear all incumbrances that may affect the same) of the annual value of 500 *l.* sterling above reprises, as doth qualify me to be elected and returned to serve as a member for the county of Carlow, according to the tenor and true meaning of the Act of Parliament in that behalf, and that my said lands, tenements or hereditaments are lying and being within the parish (or parishes) of _____ in the county of _____. Sworn before us, this _____ day of June 1835, being Justices of the Peace for the county of _____

A. R.

A. B.
C. D.

61. Is that Mr. O'Connell's handwriting?—Yes.

62. Have you the sealed letter which came under cover?—I have not; I think it was a letter from Ireland.

63. Have you not got that?—I do not know what letter that is; it came, I suppose, under Mr. O'Connell's frank; it was a letter of no consequence.

64. When did you next hear from Mr. O'Connell?—On the 17th.

65. Produce the letter you received on that day?—[The Witness produced the same. Mr. O'Connell admitted it to be his handwriting.]

66. Is that your handwriting, "Received the 17th June"?—It is.

[The same was read, as follows:]

My dear Sir,
I send you Vigors' letter to me, just received. You see how secure we are. Return me this letter, as it vouches 800 *l.* for me; with that you have nothing to do, as of course I stand between you and everybody.

Wednesday.
Faithfully yours,
Daniel O'Connell.

Alexander Raphael, Esq.

67. Did that note or letter contain any letter from Mr. Vigors?—I do not recollect. *Alexander Raphael, Esq.*

68. Did you return the letter, whatever it was?—I did.

69. Have you any copy of it?—I have not.

29 February 1836.

70. Mr. Ward.]—Did you read it?—I do not know; it was about some money matters, and I did not pay any attention to it; I returned it immediately.

71. Sir F. Pollock.]—Do you remember whether that letter from Mr. Vigors contained anything about the election, or the prospects of it?—Upon my word, I do not recollect.

72. Did you the next day receive any letter from Mr. O'Connell?—Yes.

73. Will you produce it?—[*The Witness produced the same.*]

74. Is that Mr. O'Connell's handwriting?—Yes.

[*The same was read, as follows :*]

My dear Sir,
I enclose you the bulletin of this morning; nothing can be better. June 18, 1835.

Alexander Raphael, Esq.

Ever yours faithfully,

Daniel O'Connell.

Mr. Tyrrell did not work with the people at the last election.

75. Did you hear from Mr. O'Connell on the 21st of June?—I did.

76. Produce, if you please, the letter which you then received. Is that Mr. O'Connell's handwriting?—Yes.

[*The Witness produced the same, which was read, as follows :*]

My dear Sir,
Glorious news! Raphael and Vigors returned on Thursday. I do not know the exact majority, but I know the fact. I heartily congratulate you; my communication is from a Cabinet minister; but this is private. You can take your seat to-morrow.

Ever yours faithfully,

Daniel O'Connell.

77. Were you at the head of the poll, or Mr. Vigors?—Mr. Vigors, by one.

78. Did you hear from O'Connell on the 22d of June?—Yes.

79. You produce the letter?—Yes.

80. Is that Mr. O'Connell's handwriting?—Yes.

[*The Letter was read, as follows :*]

Ultimate majority, 56. You are entitled to get your letters free this day.

Alexander Raphael, Esq., &c.

81. Was 56 the majority that you had, or that Mr. Vigors had?—Fifty-six was the majority that Mr. Vigors had; I think I had 55.

82. Do you remember on what day you took your seat?—I do.

83. What day was that?—On Thursday, the 25th of June.

84. Was there a petition against your return and Mr. Vigors?—Yes.

85. Did you hear from Mr. O'Connell, after that petition, upon the subject of it; did you receive a letter from him on the 17th of July, or about that time?—Yes, I saw Mr. O'Connell on the evening of the petition; I was told of it.

86. What day was that?—Friday.

87. Mr. Warburton.]—What day of the month?—Friday, the 3d of July.

88. Sir F. Pollock.]—It appears by the Votes, that it was to be taken into consideration on Tuesday the 28th of July.—[*To the Witness.*] On the 17th of July, did you receive a letter from Mr. O'Connell?—Yes.

89. Is that the letter which you produce?—Yes.

90. Is it in Mr. O'Connell's handwriting?—[*Mr. O'Connell.*] It is.

[*The same was read, as follows :*]

My dear Sir,
Send to Mr. Baker the particulars he wants of your qualification. I will stand between you and him for all expenses. I promised you, and repeat distinctly my promise, that upon payment of the second 1,000*l.* to which you are at all events engaged, no demands shall be made upon you for one additional sixpence. Do then at once pay the other 1,000*l.* into the Messrs. Wright's, to my credit. Confer with Mr. Baker as to the defence, as much as he chooses. I am bound to indemnify you from all expenses beyond that 1,000*l.*; that is, the second sum. Believe me to be very faithfully yours,

Alexander Raphael, Esq.

9, Charges-street, 17 July 1835.

Daniel O'Connell.

Alexander Raphael,
Esq.

29 February 1836.

91. Did you employ Mr. Baker upon that occasion?—No.
92. Had you ever employed Mr. Baker before that, upon any occasion?—Never; I had never seen him before.
93. Were you consulted by anybody upon the employment of Mr. Baker?—No.
94. Did you take any part in the proceedings at all?—No, I had nothing to do with it; that was my answer to everybody.
95. Did you attend the Committee during the inquiry?—I believe I did come in there once or twice, but I took no interest in it; I had a friend of mine here always, Mr. Hamilton.
96. Was Mr. Hamilton the professional gentleman that you consulted upon the transaction?—Yes.
97. Do you know on what day the Committee met?—The 28th; the ballot was on Tuesday, the 28th of July.
98. Did you receive a letter from Mr. O'Connell on or about the 25th of July?—Yes, I did.
99. Is that Mr. O'Connell's handwriting?—Yes, to the best of my knowledge.

[The same was read, as follows:]

My dear Sir,
You did not say to whom I was to apply for the second sum of 1,000 l., according to our arrangement. It is necessary, absolutely necessary, it should be paid this day. Let me know at once who is to give it to me. I have a note from Vigors, to whom I am pledged, pressing me on this subject. I, of course, am bound to him for the money.

Faithfully yours,
Daniel O'Connell.

Alexander Raphael, Esq., M.P.

100. Did you write an answer to that letter; or did you see Mr. O'Connell; or what step did you take?—I think I wrote an answer.
101. Have you a copy of the letter that you sent to him?—I have the very letter.
102. How happen you to have the very letter?—Because the receipt of the 2,000 l. is in the very letter.

[The letter, dated the 26th of July 1835, was read, as follows:]

My dear Sir,
I regret to say that Mr. Hamilton has just sent to inform me that it will be impossible for him to wait upon you to-morrow morning, but that he will be in Henrietta-street to receive you, if you would have the goodness to call upon him to-morrow about eleven.

Your's faithfully,
Alexander Raphael.

Daniel O'Connell, Esq., M.P.

103. You say that that is the very letter that you sent?—Yes, the very letter.
104. Is that Mr. O'Connell's handwriting which is at the foot of it?—I believe so.

[The same was read, as follows:]

Sir,
Be pleased to give my son, Mr. John O'Connell, the second 1,000 l. in your hands of Mr. Raphael's money, and he will give you a voucher.

Your obedient servant,
Daniel O'Connell.

— Hamilton, Esq., Henrietta-street.

Sir F. Pollock.—There is a voucher purporting to be in the handwriting of John O'Connell.

Mr. O'Connell.—Yes, it is in his handwriting.

[The same was read, as follows:]

I acknowledge to have received one thousand pounds, by order on Wright & Co., from Mr. Hamilton.

John O'Connell.

Mr. Serjeant Wilde.—There are different dates.

105. Sir F. Pollock.]—The letter which is addressed from Mr. Raphael to Mr. O'Connell is dated the 26th of July; the order for the payment of the money is dated the 27th; and the acknowledgment of the receipt of it is on the 28th; in

in the mean time did you receive another letter dated the 27th of July?—I did; *Alexander Raphael, Esq.*
it was before the money was received.

106. Is that Mr. O'Connell's handwriting?—Yes, I believe so.

[The same was read, as follows:]

29 February 1834

Sir,

I can hardly restrain my feelings at learning that you shrank from performing your engagement with me. Rely on it you are mistaken if you suppose that I will submit to any deviation from our engagement. I say no more at present, in the hope that there may be some mistake which you will instantly do away. There can be no mistake on my part.

I am, in the mean time, your obedient servant,

Alexander Raphael, Esq.

Daniel O'Connell.

I hope in justice to me the answer may be read.

107. Did you write an answer?—I did.

108. Have you a copy of it?—Not in manuscript; I have a copy in the statement here.

109. Have you the means now of stating the copy of it?—Yes.

110. Was any copy taken and kept?—I destroyed the copy, having put it into print.

111. Have you the means now of stating what was the substance of that letter?—

Sir,

Great Stanhope-street, 28th July 1835.

I deny most positively that I have in any respect shrank from performing my engagement with you. On the other side, you will find a copy of the letter you gave me (viz. that of June 1st.) You must recollect the conversation we had prior to that being written. My understanding at that time was, and ever since has been, that I was to risk only 1,000*l.* and that the other 1,000*l.* was to be paid only in the event of the seat being secured. You, it seems, put a different construction on it; and as I presume we both wish only what is right, I would suggest that the question should be decided by some mutual friend. In the mean time, to prevent all possibility of doubt as to the good faith on my part, I have authorized Mr. Hamilton to pay the 1,000*l.* In conclusion, it pains me to say, that the tone of your letter was quite unwarranted by anything on my part.

I am, Sir, your faithful and obedient servant,

To Daniel O'Connell, Esq.

Alexander Raphael.

112. The Committee was ballotted for on the 28th of July?—On the 28th.

113. What day was that?—Tuesday.

114. Do you know whether the Committee met on the next day for two or three days after?—Yes, they met every day, I believe, from that time.

115. Had you any interview with Mr. O'Connell upon the progress of the Committee, what was doing in it?—No, it was very difficult to get hold of Mr. O'Connell; but on Friday, the 31st of July, as I was coming to the House, the doorkeeper gave me a letter to give to Mr. Vigors; as soon as I found Mr. Vigors, I gave the letter to him; half an hour after, Mr. Vigors came to me to say, "This is a letter of great importance, it relates to our election; I must see Mr. O'Connell upon it." I said, "I have nothing to do with it;" and then Mr. O'Connell, in leaving the House, asked me to call upon him on Sunday, the 2d of August. I said, I had made some arrangement to go on the Sunday, after a long absence, to my house at Ditton, but of course pleasure must give way to business, and therefore I would be with him on Sunday at two o'clock; I called upon him on Sunday at two.

116. Did anything pass then?—Mr. O'Connell said that he would not make up his mind till the result of the second vote; and he asked me to meet him at the Westminster Club on Tuesday, the 4th of August.

117. Have you copies of any of the letters you sent to him, or only so much of the letter as you published?—There is only one letter, the first letter before the election, which I have not kept a copy of; but my memory being very retentive, I think I can give the substance.

118. Have you copies of all the other letters besides that for which you have been obliged to refer to the printed papers?—No, I have not kept copies.

119. Have you any copy of a letter that you sent to him on the 5th of August?—No, I have not; that appears in the statement.

120. Did you hear from him on the 3d of August?—Yes.

121. Have you that letter?—Yes.

122. Will you produce it?—That is a letter which, with deference, I would rather not produce; that is a letter strictly confidential, and I have always said that I will not produce it without Mr. O'Connell's permission.

Alexander Raphael,
Esq.
29 February 1835.

123. Mr. Chairman.]—All those letters are confidential?—This was written upon a point strictly confidential.

124. Mr. Serjeant Wilde.]—If that is a letter which the gentleman has distinctly alluded to in his printed letters, of course we waive all objections.—

[The same was read, as follows:]

(Strictly confidential.)

My dear Sir,

3d August 1835.

Tell me, in the strictest confidence, whether you have any wish to be a baronet; of course I do not ask you without sufficient reason. One word is not to be communicated to anybody, until I know your determination.

Believe me to be your's, very faithfully,

Daniel O'Connell.

Then, in justice to me, I hope my answer may be read.

125. Have you a copy of that answer?—I have.

[The Witness delivered in the same, which was read:]

My dear Sir,

Great St. James-street, 3d August 1835.

I have no hesitation in stating, that to obtain the honour you allude to, would be a very high step in my ladder of ambition; but I must in candour say, that I should consider it a poor recompense for the loss of my seat in Parliament, which, from what you told me yesterday, is, I fear, in great jeopardy. I rely, however, on your fulfilling your engagement with me to secure my seat, if possible, by fighting the battle so long as a bad vote for the petitioners remains on the poll, or at all events to the end of the present Session. To allow 56 of our voters to be struck off would leave fearful odds to contend with on a future vacancy.

I am, my dear Sir, your faithful and humble servant,

To Daniel O'Connell, Esq.

Alexander Raphael.

Part of this letter appears in my printed statement.

126. Did it at that time appear that the prospects of ultimate success before the Committee were not so favourable as they were deemed at one time?—I could give no opinion; I was quite a novice in those matters; but I was told by Mr. Vigors that we could afford to lose a few votes, because they would lose a greater number on the other side.

127. On that Sunday, the 2d of August, did you receive any intimation that afforded the prospect of failing before the Committee?—Mr. Vigors seemed very much disheartened, and so did Mr. O'Connell, when I called upon him on Sunday; but Mr. O'Connell said, "I shall not make up my mind till I see how the second vote is disposed of;" and I was to meet him on Tuesday at the Westminster Club, and there he would tell me.

128. Did you meet him on the 4th of August, at the Westminster Club?—I did.

129. Was anything then stated about what progress the Committee had made in their proceedings?—The first vote was struck off.

130. Was that a vote of yours, or your opponents'?—Of ours; but as soon as I got to the Westminster Club, I saw Mr. O'Dwyer there; he said, "You have lost a vote, you will be unseated." And then after that I saw Mr. O'Connell, and there I heard, for the first time, that I had been paying for Mr. Vigors; until that day, I was in the firm belief that as I placed 2,000*l.* that so did Mr. Vigors place 2,000*l.*; and there I heard, to my very great surprise and regret, that I was not only paying for myself but for my colleague.

131. Had you ever been consulted on the conduct of any part of the case; you have said that you did not pay the agent or counsel?—No, only our counsel afterwards; we were obliged to hunt for counsel; we could not get any; Mr. Harrison was our counsel, and he could not attend; and Mr. Hill could not attend; and we were obliged to hunt all over London for counsel, and at last we got one on the last day.

132. Did you write to Mr. O'Connell on the 5th of August?—I did.

133. Mr. O'Connell.]—There is a letter of the 3d of August?—That is put in.

134. Sir Frederick Pollock.]—Have you a copy of the letter of the 5th of August?—My manuscript copy I have destroyed, because I had them printed afterwards.

135. Have you destroyed your copy?—I have.

136. Do you know that this print is correct?—Yes, I could make an affidavit of it.

137. Is that, to the best of your belief, a copy of the letter that you addressed to Mr. O'Connell on the 5th of August?—Verbatim.

*Alexander Raphael,
Esq.*

[The letter was read, as follows:]

29 February 1836.

My dear Sir,

Great Stanhope-street, August 5, 1835.

I cannot express how deeply I feel in being left by you in the painful dilemma either of running away from the fight with a majority of 56 in our favour, or to commence from to-morrow an expensive and uncertain contest without a single sixpence from my colleague. I have, however, by the advice of my friends, determined to continue the contest for a day or two longer, reserving always to myself, if necessary, for the vindication of my character towards my constituents of Carlow, any other mode of proceeding which I may be advised to adopt. I therefore once more call upon you, as an act of justice to me, to fulfil your engagement, as you must be convinced (and you have yesterday declared) that I have acted throughout the transaction in the most honourable manner towards you.

I am, my dear Sir, your faithful and obedient servant,

Alexander Raphael.

138. What was the meeting that you allude to in that letter, in which you say, "You have yesterday declared"?—That was the meeting of the 4th, where I was told for the first time that I was fighting the battle for myself and Mr. Vigors; and Mr. O'Connell said to Mr. Vigors, "Of course, Mr. Vigors, you want Mr. Raphael to come half ways with you in the expenses," and Mr. Vigors said, "No, I do not wish to spend a crown-piece; I do not want to be in Parliament." I think I may be allowed, by permission of the Chairman and the Committee, to say, that before we parted, Mr. O'Connell told me that that business was all right; that it would be done in three days.

139. What business?—The business that he alluded to on the 3d of August.

140. When was that?—On the 4th of August.

141. That was the day after you received that letter, and sent that answer?—Yes; I sent the answer the same day, and the meeting was on the next day, the 4th; and after what passed, as he was leaving the house, he went to the door with the door half open, and he said, "That is all right; it will be done in three days."

142. Did he say that in the presence of Mr. Vigors, or after Mr. Vigors had left the room?—Mr. Vigors had not left the room, he was in a corner of the room, and Mr. O'Connell was going out, and I saw him to the door, and he said, "That is all right; it will be done in three days."

143. Was that all that he said?—Yes, on that subject.

144. Did he ever mention the subject again?—Never.

145. Did you receive any other letter from him?—Never from that time, nor ever received a visit from Mr. O'Connell.

146. Did you ever receive an answer to that letter of the 5th of August?—No.

147. Either in writing or by word of mouth?—No, our connexion seemed to cease from that day.

148. Did you continue to attend the Committee, or instruct anybody to attend the Committee?—I left it to Mr. Hamilton, when I found it was all thrown on me.

149. Did you instruct anybody on your behalf to go on with resistance to the petition?—Yes.

150. Who was that?—Mr. Hamilton; but Mr. Baker was the agent; of course Mr. Hamilton only attended as my friend, to see that I was protected.

151. Do you know how many days the Committee continued to sit after that time?—I think it continued to sit till the 19th of August; I was expelled the house that day, on Wednesday the 19th of August.

152. Have you paid either Mr. Hamilton or Mr. Baker?—I gave cheques to Mr. Hamilton upon my banker, and Mr. Hamilton gave cheques upon the same banker in his name to Mr. Baker.

153. As you understood?—Yes.

154. How much money have you paid to Mr. Hamilton?—£. 1,250.

155. Was that in reference to the expenses of the petition before or after Mr. Vigors withdrew, or generally; do you know to what time those expenses related?—Yes. Mr. Baker very soon called for more money, and I said he could not have spent 1,000*l.* already. He said, "Yes; I have spent 800*l.* for counsel only;" and he wanted more money, and I gave Mr. Hamilton a cheque for 500*l.* Then I gave a second cheque for 500*l.*; and when Mr. Baker wanted more money, I told Mr. Hamilton that I would not pay another farthing until I had credit for the second thousand pounds paid into Mr. O'Connell's hands.

156. Are

Alexander Naplack,
Esq.

29 February 1835.

156. Are the Committee to understand that from the 5th of August to the present time you have had no written or verbal communication with Mr. O'Connell upon the subject of the election?—None at all.

157. Have you produced all the letters that you received from Mr. O'Connell during that period?—I have.

158. You have no others?—No others; I have produced all his and all mine, except a letter that I wrote to Mr. O'Connell previous to this election—a few days previous to this election—previous to his visit to me.

159. Mr. Warburton.]—Previous to what visit?—Previous to his visit to me on the 28th of May. I wrote to him on the 23d of May.

160. Sir F. Pollock.]—Have you a copy of that letter?—I have not kept a copy of it, but it is from my memory; but if Mr. O'Connell has it, I should wish it to be produced.

Mr. O'Connell.]—I have it not.

161. Sir F. Pollock.]—Have you anything which you believe to be a copy of it?—Yes.

162. Before any of the Members were unseated, that letter was written?—Yes.

[The same was read, as follows:]

Sir,

Great Stanhope-street, May 23d 1835.

In one of your many brilliant speeches, all which I have read with eager delight, there is this remarkable, and by me never-to-be-forgotten sentiment: "Ireland is the idol of my worship; whoever is a friend to her is as dear to me as the red blood that flows through my veins." I am a friend to Ireland, and therefore I call upon you, Sir, to redress that noble pledge. I do not ask you to assist me to a seat in Parliament, but to say you shall have a seat, and that very soon. My gratitude to you shall be unbounded, and I shall endeavour to do my part towards relieving and making happy the brave inhabitants of your ill-treated country.

163. Was there anything more?—Nothing more than that, I believe.

164. Mr. Warburton.]—Is that a verbatim copy, or the substance of a letter that you wrote, as nearly as you can recollect it?—It is more than the substance; I think it is verbatim.

165. Written from memory?—Yes.

166. Mr. O'Connell.]—As far as it goes, I take it to be verbatim?—I used to repeat it to myself; I am very correct.

167. Lord Francis Egerton.]—Are you sure that that was the whole of the letter?—Yes; there was nothing more. But this is written on the 23d; I must begin with the Wednesday preceding. On the 20th of May, on Wednesday, I, as Sheriff of London, was invited to dine in the London Tavern to celebrate the anniversary of the Jews' Hospital. In the regretted absence of the Marquis of Westminster, I was requested to take the chair; but seeing in the room a gentleman who moved in a higher sphere than myself, the Deputy-governor of the Bank of England, I insisted upon his taking the chair. It came to my turn to propose the chairman's health, and in my speech I made some allusion to the Jews; and after the collection, to which I contributed my mite cheerfully, Mr. Isaac Goldsmid came round to me, and asked me if I knew Mr. O'Connell. I said, "Everybody knows Mr. O'Connell; but I have not the honour of an acquaintance with him. But I have dined twice with him, once at St. Patrick, and the other time to commemorate the return of Colonel Evans; but I have no other acquaintance with him." And he said, "He dines with me on Sunday; will you meet him?" I said, "I am not in the habit of receiving invitations on a Sunday, because I spend the day with my family;" but I accepted the invitation, and immediately then thought of putting into execution a thought which I had in my mind of writing to Mr. O'Connell to show my anxiety for a seat in Parliament.

168. Then on Saturday you wrote that letter?—Yes; and on the Sunday I had the honour of dining with Mr. O'Connell, and he took no notice of it, which I thought rather uncourteous. No answer came on Monday or Tuesday, and on Wednesday I met Mr. Vigors at the Zoological; and the Thursday after, Mr. O'Connell came.

169. Mr. Warburton.]—Did you meet Mr. O'Connell at Mr. Goldsmid's?—Yes.

170. Mr. H. G. Ward.]—You wrote the day before you saw Mr. O'Connell?—Yes.

171. Mr.

171. Mr. *Serjeant Wilde*.]—It was the day before you saw Mr. O'Connell you wrote that letter?—Yes, I wrote on the 23d; I dined with him on the 24th.
172. Sir *F. Pollock*.]—On the Sunday he took no notice of it!—No.
173. And on Wednesday the election was declared void; and Mr. O'Connell called upon you on the Thursday?—Yes, Wednesday was the day I had met Mr. Vigors at the Zoological.
174. Have you told the Committee what passed between you and Mr. Vigors on that day?—I have not.
175. State, if you please, to the Committee, what passed between you and Mr. Vigors on the 27th of May?—I went there at the request of a particular friend of mine to attend the annual Zoological meeting, for the purpose of giving my vote on a question in which he was interested; after giving my vote, and meeting a great many of my acquaintances there, Mr. Vigors came to me, and said,—I do not know whether he came from the House, or had received accounts from the House,—but he said, “Half an hour ago, Messrs. Cavener & Bruen were unseated, and Carlow county is now open for you. Mr. O'Connell has some friend in view.” I said, “Perhaps that is myself,” because I had a right to say, that having written to Mr. O'Connell on the preceding day, of course I thought if there was any likelihood of my being returned, that I should be the friend.
176. Having met him on the Sunday, and not meeting with a refusal?—Yes.
177. Mr. *H. G. Ward*.]—You were acquainted with Mr. Vigors previously?—Yes, of course, I had seen him before that.
178. Had you talked with him on any matters connected with the election before?—The general election.
179. Do you mean the election in January?—Yes.
180. You have been in connexion with Mr. Vigors about the general election?—I cannot say in connexion with him, but Mr. Vigors called upon me at the Old Bailey.
181. Sir *Frederick Pollock*.]—You have stated that you saw Mr. Vigors on the 27th of May; did you see him afterwards?—I think he called upon me, to the best of my recollection, on Friday and Saturday.
182. As far as you can recollect, state to the Committee the whole of the conversation that passed between you and Mr. Vigors on the 27th of May?—He may have mentioned something to me about money matters, but I paid no attention to it; I wanted to enter into no arrangement with him, having written to Mr. O'Connell, and expecting an answer from him; and, in a great crowd, he might say something about money, but of course it would not be for me to enter into it with him.
183. You have stated all that passed between you and Mr. Vigors at that time?—Yes.
184. Did you see Mr. Vigors either on the Thursday, the Friday, the Saturday, or the Sunday immediately after the Committee had declared the election void?—I think he called on Friday and Saturday, and I know on Sunday morning, as I had just returned from chapel, he called to say, “I cannot find Mr. O'Connell; I have been hunting for him; where is he?”
185. Are you sure that Mr. Vigors called upon you on those days?—I will not be sure; but I think he called on Friday and Saturday.
186. Are you sure that he called upon you on Sunday?—I am certain of it, for he said, “I have been hunting for Mr. O'Connell, and I cannot find him; do you know where he is to be found?” I would not tell him that I had an appointment with him at two o'clock; and after I left Mr. O'Connell's house on Sunday, in going through Hanover-square, I saw Mr. Vigors, but would not tell him that I had just seen Mr. O'Connell, and had made the arrangement with him.
187. Did Mr. Vigors call upon you before the meeting between you and Mr. O'Connell, when the terms were settled?—He called upon me on Friday and Saturday; on Sunday also he called, but I would not enter into it.
188. But you saw him afterwards?—I saw him after I left Mr. O'Connell on Sunday, about three o'clock, in going through Hanover-square; I suppose he was going to Mr. O'Connell; and my sister-in-law was in the carriage with me; and I said, “That is Mr. Vigors, but I would rather not see him, as he may ask me some questions which I would rather not answer.”
189. Mr. *Wartburton*.]—You do not know that he saw you when you saw him?—No.

Alexander Raphael,
Esq.

29 February 1836.

Alexander Raphael,
Esq.

19 February 1836.

190. *Sir F. Pollock.*—Had you had any communication with Mr. Vigers or with Mr. O'Connell upon the subject of the Carlow election before all this?—Not with Mr. O'Connell; Mr. Vigers used to come to me there.

191. With whom had you any communication upon that subject?—Mr. Vigers called upon me there with a Mr. Tyrrell.

192. Who is he?—He is the brother of the Rev. Mr. Tyrrell, who was over here.

193. Did you see Mr. O'Connell upon that subject, or talk to him about it?—No.

194. Was your first application to Mr. O'Connell upon this subject by that letter, which you have stated, on the 23d of May?—Yes; I had long thought of writing, and I thought that a good opportunity; as I was to have the honour of dining with him at Mr. Goldsmid's, I thought it just the time.

195. And was the first notice that Mr. O'Connell took of that on the 28th of May?—Yes.

196. Did you go to Ireland upon the occasion of the election at all?—Not at all; I wished to go, for they were pressing me from Ireland, even Mr. Vigers, to go over, and Mr. Tyrrell, and they all wished me to go; and I said to Mr. O'Connell, "It will be rather inconvenient for me, as Sheriff, to go over; but perhaps on a recommendation made to the Judges they will consent to my going;" but Mr. O'Connell said, "No, there is no occasion for you to go."

197. Then you did not go?—No; but I had made up my mind to go immediately on my return. I said, "I must go and thank them in person;" and they said, "No, we cannot spare you; you cannot go now."

198. Have you any copy of the address by which you were declared?—No; I signed that very address Mr. O'Connell sent to me; I made no alteration.

199. Have you no means of furnishing the Committee with a copy of that address?—No, I never saw it afterwards; but I believe it is in the Carlow Sentinel that it was published in.

200. *Mr. Warburton.*—You signed your name to it?—Yes.

201. And you read it first, of course?—Yes, but I made no alterations in it.

[The Witness withdrew.]

Martis, 1^o die Martii, 1836.

MEMBERS PRESENT.

Mr. N. W. Ridley Colborne.
Lord Francis Egerton.
Mr. Bannerman.
Mr. Banceby.
Sir Ronald Ferguson.
Sir John Yarde Buller.

Mr. Ord (Newcastle).
Sir Charles Brooke Vere.
Mr. Warburton.
Sir Eardley Wilmot.
Mr. H. G. Ward.

Sir Frederick Pollock.

Mr. Sergeant Wilde.

MR. NICHOLAS W. RIDLEY COLBORNE IN THE CHAIR.

Alexander Raphael, Esq., called in; and further Examined.

Alexander Raphael,
Esq.

1 March 1836.

202. *Sir Frederick Pollock.*—BEFORE you became a candidate for the county of Carlow, had you ever been in that county at all?—No.

203. Had you ever been in Ireland?—No.

204. Had you any connexion whatever with the county of Carlow?—No.

205. Not in any way?—No.

206. In any communication that you had with Mr. O'Connell upon the subject of your becoming a candidate, did you learn from him whether he was acting for Mr. Vigers or on his own behalf?—For his own behalf.

207. In your verbal communication with Mr. O'Connell, was the name of Mr. Vigers ever mentioned any more than it is in the correspondence?—He mentioned his name to me, that he was to be my colleague, on the Sunday, the 31st of May; and my answer was, I wish Mr. Latouche had been my colleague.

208. But was he ever named as the person, the principal in the bargain?—No, never.

209. In any communication with Mr. Vigers, did you ever learn from him that he was the principal?—Never.

210. Do

210. Do you know at what time Mr. Vigors went to Ireland?—I believe on Sunday, the 31st of May; he told me that he would go to Ireland on Sunday, the 31st of May.

*Alexander Raphael,
Esq.*

1 March 1836.

211. You stated yesterday, that you saw him in Hanover-square on that day after your interview with Mr. O'Connell?—Yes, I did so; he told me on the Sunday, at one o'clock, that he could not wait longer, but that he must go to Ireland that evening.

212. Do you know at what time he returned?—I saw him on Sunday the 28th of June, as I came from chapel; I saw him at my door.

213. Did you ever make any application to him to guarantee and save you harmless from the expense?—Never.

214. Did he ever apply to you to make any payment of money?—Never.

215. Did he ever make any offer as the principal, to comply in the fullest sense of the honourable engagement made to indemnify you?—He did not know of the engagement; I never told him what engagement I had made.

216. Then is the Committee to understand, that you neither applied to him, nor did he ever make any offer to you?—Certainly.

217. Did you ever learn from Mr. O'Connell that any of the money had found its way into Mr. Vigors' possession?—That letter which he sent to me, requesting me to send back to him a voucher to Mr. Vigors, that is the only time that he mentioned the name of Mr. Vigors. He said, send me the voucher back—that is, the letter.

218. You do not particularly remember the contents of that letter?—No, I do not; I had nothing to do with it; I was to be returned without any further expense; as he wished it to be sent back, I sent it back immediately to him.

219. Did Mr. Vigors contribute, to your knowledge, any part of the expense in any way?—Never.

Mr. Warburton.—Does that mean that he did or did not contribute, or that the witness does not know?

220. *Sir F. Pollock.*—To your knowledge, did Mr. Vigors contribute to the expenses of the election in any way?—As I said before, as I placed £,000. I thought he would do the same.

221. But from any communication you had, either with Mr. Vigors or Mr. O'Connell, did you learn whether Mr. Vigors contributed to the expense in any way?—I did not.

222. When were you served with the Chairman's summons?—I was not served personally; but it was left at my house in Stanhope-street, I think on Wednesday; I was not in town.

223. Has more than one summons been served upon you?—Yes.

224. When did you first see Mr. Lyon?—Yesterday.

225. Was that here in the Committee-room?—Yes, in the Committee-room; I did not know Mr. Lyon, only seeing him near you, I thought it must be Mr. Lyon.

226. Did you know that he had called upon you?—I did.

227. May I ask you, did you endeavour to avoid seeing him?—I did not endeavour to avoid, but I told my solicitor that I would not see Mr. Lyon; that I did not want to mix myself up as a party in this business; that I would receive the summons of course, and even without a summons I should have attended here.

228. Did you give any directions to your solicitor about communicating with him?—I wrote to my solicitor to have no intercourse with him on this business in my behalf.

229. *Mr. Serjeant Wilde.*—Are the Committee to understand that you have detailed, as far as your memory serves you, all your communications with Mr. O'Connell on the subject of your representing the county of Carlow?—Not all the conversations that passed; I answered every question that was put to me; I thought I was not permitted to go on to any conversation; I am prepared to answer every question.

230. Have you referred to the several interviews that took place with Mr. O'Connell, as far as your memory serves you?—Yes.

231. But you have not detailed the whole of the conversations that occurred, but limited yourself to answering the questions?—Yes.

232. Has more passed than you have detailed?—Not much more, for
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Mr. O'Connell's time, of course, was very precious; I was never with him more than seven or eight minutes.

233. Have you produced or stated to the Committee the contents of all the letters in your possession relating to that subject; that is, your representing Carlow?—Yes.

234. You mentioned having destroyed some copies of letters of your own to Mr. O'Connell, when did you destroy those copies?—I cannot give the date, but when I had them printed I thought there was no occasion to keep a manuscript copy of them.

235. You spoke from a printed copy, with the name of Limbird in the Strand, was not that the copy from which you spoke yesterday?—I do not know the man's name; not Limbird, I think.

236. Was it a copy similar to what I hold in my hand?—Yes; I do not recollect the name of Limbird.

237. To what occasion of printing was it that your answer referred; was it to this little pamphlet?—It is printed by Painter.

238. Then you referred, did you, to a print of the letter by a person of the name of Painter?—Yes.

239. Did he print it by your desire?—No.

240. Or at your expense?—No.

241. Was it on the occasion of that being printed and published?—I must explain; he first of all printed them at his own expense. The first letter that appeared, to my great surprise, it was printed on the Monday after it appeared in the papers on the Saturday, but as there were some errors in it respecting the word "bulletin," and some of the letters were not in the right order, then he said he would print a couple of thousand for me at my expense; the word "bulletin" was put for "ballot;" and then the letters were put in the right order, that was all.

242. Was it after the printing of that pamphlet that you destroyed the copies?—That I cannot say.

243. You recollect, do you, the fact of destroying them?—Yes.

244. You destroyed them yourself, did you?—Yes.

245. But the date you cannot tell?—No, I cannot.

246. Where did you destroy them?—At my own house, either in Stanhope-street or at Ditton, I do not know, or perhaps at Brighton.

247. If you recollect the fact of destroying them, cannot you remember the place where that occurred?—If I did, I would at once say.

248. They are not now, to the best of your belief, in existence, in the possession of any other person?—Yes, they might be in the possession, because the papers published it; they might be in the possession of the copies of those.

249. Did you furnish any copies to that printer?—No.

250. Did you hand over copies to any other person?—Yes.

251. To whom?—To The Times newspaper.

252. Have you had those copies back again?—No.

253. Did you hand the manuscript, then, of that letter to The Times newspaper?—No.

254. Did you cause it to be done?—No.

255. When was it that you handed copies to The Times newspaper?—On Thursday the 28th of October.

256. But you did not at the same time, or at any other time, furnish a manuscript copy of the letter as it was printed?—I sent a brief of all the letters to The Times newspaper; of course, not the original letters; I think it was the 29th, it was Thursday; I am not certain whether it was the 28th or the 29th.

257. You had been candidate to represent some other places before Carlow became the subject of negotiation?—Yes, not in May.

258. Will you be so good as to mention the places where you issued addresses?—Now, Mr. Chairman, I do not know whether I am required to answer any question that is not connected with the Carlow election. My summons is upon the Carlow petition.

Chairman.—Very true, but I dare say Mr. Serjeant Wilde is not going into any detail upon that point.

Mr. Serjeant Wilde.—Not at all.

Chairman.—Then answer the question.

259. Mr. Serjeant *Wilde*.]—Had you been candidate to represent the borough of Esham?—Yes.

260. And Pomfret?—Yes.

261. And the city of Westminster?—No, there was no vacancy.

262. Had you published an address?—Yes.

263. With a view to becoming a candidate?—Yes, certainly, however bold the enterprise.

264. Any other place that you recollect; any borough in Lancashire?—I went down to Preston, but it was too late; and then I was advised to go to South Lancashire or North Lancashire, but I did not go.

265. At what period was it that you became desirous of representing those places?—Esham, as soon as the disabilities were removed; Esham was the first that offered.

266. Will you endeavour to press your recollection as to whether you had had any communication with Mr. O'Connell, verbal or written, upon the subject of Carlow, before the eloquent letter that you stated the other day of the month of May?—Never.

267. You say you have a pretty accurate memory?—I have.

268. Had you had communication with any other persons than Mr. O'Connell upon the subject of representing Carlow?—I never applied to any person.

269. Whether you applied to them or they to you, had you any communication with any person upon the subject of representing Carlow, before your application to Mr. O'Connell?—In the last general election in December 1834.

270. Do the Committee understand you, that you had communications with other persons?—I do not know whether it can be called communications. I recollect a person said, the county of Carlow will be a good thing for you.

271. To whom do you refer as being the person?—Charles Pearson.

272. When was that?—I think that was in the latter end of November.

273. In 1834?—Yes.

274. Had you had any communications with any other persons before then, upon the subject of representing the county of Carlow?—Yes, two or three years ago I think a Mr. Tyrrell called upon me.

275. Does Mr. Tyrrell reside in London?—Yes, that Mr. Tyrrell does; he came to me with his brother, the Rev. Mr. Tyrrell.

276. Do you know whether that Mr. Tyrrell living in London had communicated to any gentleman at Carlow the circumstance of your desiring to represent Carlow?—I do not know.

277. Did you never hear of such a circumstance?—No.

278. Is Mr. Tyrrell a Catholic?—Yes.

279. And you are of the same religious persuasion?—I am.

280. You mentioned that two gentlemen of the name of Tyrrell called upon you together?—Yes, he and his brother.

281. Had you ever any communication with him upon it, before they called upon you?—I cannot recollect, I think Mr. Tyrrell said that Mr. Blakeney was desirous of vacating his seat, and that they wanted some person to succeed him.

282. Which Mr. Tyrrell?—This Mr. Tyrrell of London.

283. At what period was that?—That I cannot recollect, it must be two or three years ago, it was at the time Mr. Blakeney was in Parliament.

284. Was that in the same year 1834?—I do not recollect.

285. Did your communication with those gentlemen lead to any introduction to Mr. Vigors?—I think Mr. Tyrrell brought Mr. Vigors to me.

286. Where?—That I do not recollect, I think at my house, I think Mr. Vigors came to me.

287. As your memory is pretty good, can you remember whether it was at the Old Bailey in the first introduction you had to Mr. Vigors?—I think it was before the last election.

288. Where was the place; was it at the Old Bailey?—That I cannot recollect.

289. Did you enter into a communication with Mr. Vigors upon the subject of your becoming a candidate for Carlow?—He spoke to me about it, but I told him that I was engaged for Pomfret.

290. You understand the question to refer to your first communication and introduction

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introduction to Mr. Vigors?—I rather think that it was before the last election that I was introduced to Mr. Vigors.

291. The question to you is, whether upon your first introduction to Mr. Vigors you had communication with him upon the subject of the Carlow election; your answer is that you then told him that you were engaged for Pomfret: with a view of calling to your recollection the dates, I wish you to recollect whether you were engaged for Pomfret till long after you had a communication with Mr. Vigors upon the subject of your representing the county of Carlow; had you not that communication with Mr. Vigors at least as early as the beginning of 1834?—No, I do not recollect.

292. The middle of 1834?—I do not recollect.

293. Had you not a communication with him, in which you discussed the terms of your becoming a candidate?—I do not recollect that.

294. Have you no trace in your memory of such a circumstance?—I have not.

295. Have you sufficient confidence in the accuracy of your memory, to pledge yourself that no such communication took place?—I have no recollection of it.

296. Still you do not answer the question; can you assure the Committee that no such circumstance took place?—No, to the best of my recollection.

297. Can you go beyond that?—No, I cannot.

298. Then you are not certain, though you have no memory upon the subject?—I have no memory upon that subject.

299. Do you think, if you had entered into a negotiation with a gentleman to represent a county, and had discussed the terms with him, that such a circumstance could have escaped your recollection?—It has escaped. I must again repeat, have I a right to answer these questions? My summons is upon the Carlow petition.

Chairman.]—I think this is decidedly within the sphere; the whole questions are upon Carlow.

300. Mr. Serjeant Wilde.]—In order to assist your memory, will you attend to the terms of my question; did you not suggest to Mr. Tyrrell of London, your desire to represent Carlow, and did he not, by your desire, or with your knowledge, cause that to be communicated to the committee at Carlow, in 1834?—It may be.

301. Do you not know, that in consequence of that communication on your behalf, you were introduced to Mr. Vigors as representing that committee, and discussed the terms of your becoming a candidate early in 1834?—I say not early in 1834.

302. Before the period to which you have referred, in connexion with Mr. Pearson, had you not discussed the terms with Mr. Vigors of your becoming a candidate to represent Carlow?—Mr. Vigors came to me at the Old Bailey, with Mr. Tyrrell, to ask whether I would go down to Carlow, and he may have mentioned terms, but I said I was engaged for Pomfret, therefore I could not attend to it, and then he requested me to call upon him. I called upon him on Sunday, the 7th of December.

303. Do not wander to other meetings now; will you inform the Committee, to the best of your memory, the date of your first meeting with Mr. Vigors at the Old Bailey?—It was in the November sessions; I do not exactly remember the date.

304. You understand the question to refer not to any meeting in November, but to a meeting of an earlier date?—A meeting of an earlier date I do not recollect.

305. Will you be so good as to state what you recollect of the terms which were mentioned to you by Mr. Vigors, when you saw him at the Old Bailey?—At the Old Bailey?—the terms I do not recollect; I would not enter into any terms, being engaged for Pomfret.

306. Are you clear in your memory, that at the time of your first communications with Mr. Vigors, you were then under any arrangement in regard to Pomfret?—My memory only goes to November, during the November sessions at the Old Bailey; a few days before the sessions Mr. Tyrrell called upon me, and afterwards he called upon me with Mr. Vigors at the sessions.

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307. Will you answer the question in its terms; the question is not fixing the interviews to any date; had you a negotiation with Mr. Vigors respecting your becoming a candidate to represent Carlow, and were not the terms discussed between you at an earlier period than your being under any engagement in regard to Pomfret?—No.

308. You have mentioned a communication with Mr. Pearson; he was your under-sheriff?—It repents me that he was my under-sheriff.

309. Then it is impressed on your memory?—Yes.

310. Did Mr. Pearson write to Mr. O'Connell upon the matter of the Carlow election?—Not by my desire; I told him not to do it by my authority.

311. Did you see any answer of Mr. O'Connell's to letter of Mr. Pearson, whether written with or without authority?—He read one to me.

312. Did you see a second letter to Mr. O'Connell upon the subject of that election?—I only recollect his reading to me one letter.

313. The question is, did you see a second letter from Mr. O'Connell?—I do not recollect.

314. Is it not in your possession?—No, it never was in my possession.

315. At what time was it that Mr. Pearson showed to you a letter from Mr. O'Connell?—During the November sessions at the Old Bailey.

316. During the month of November 1834?—Yes, the latter end of November or the beginning of December, during the November sessions.

317. Have you not in your possession a letter of Mr. O'Connell, which you procured from Mr. Pearson, to keep as an autograph?—No.

318. Had you ever such a letter?—No.

319. Did you ever see a second letter from Mr. O'Connell?—I do not recollect; I only saw one letter.

320. Did that one letter relate to the terms of your becoming a candidate for the county of Carlow?—The terms I do not recollect, but I recollect Mr. O'Connell said, "The indecision of the sheriff has made us look elsewhere for a candidate;" that is the only part of the letter I recollect.

321. Was that the first letter you saw, or the second?—I only saw one.

322. Did you never receive from Mr. Pearson any letter at all of Mr. O'Connell's?—No.

323. You have repeated an expression in Mr. O'Connell's letter, "that the indecision of the sheriff had occasioned them to look elsewhere?"—To the best of my recollection they were the words.

324. Was that letter or note an answer to one which had been written, announcing that you had become a candidate for the borough of Pomfret?—I said before that I did not authorize Mr. Pearson to write to Mr. O'Connell; when the answer came Mr. Pearson read it, and there was the expression "the indecision of the sheriff has made us look elsewhere."

325. Do not you know that that letter was in consequence of a letter to Mr. O'Connell, stating that you had become candidate for the borough of Pomfret?—I do not know that.

326. Was this communication between Mr. Pearson and Mr. O'Connell previous to your letter in May, which you read?—Yes.

327. If the Committee understand you, Mr. Pearson, in any communication by him with Mr. O'Connell, acted wholly without your authority?—Wholly without my authority.

328. Neither as your attorney nor agent nor friend, nor in any other capacity?—He never was my agent.

329. And his acts were wholly unauthorized as far as you were concerned?—As far as I was concerned.

330. When next had you any communication with Mr. Vigors on the subject of your representing Carlow?—On Sunday the 7th of December he wished me to call upon him at his house.

331. Was that prior to the general election?—I believe the Parliament was dissolved then, I do not exactly recollect; yes, it was, because I went down the next day to Pomfret.

332. That was in the month of December?—Yes.

333. Had you any conversation with him upon the subject of your becoming a candidate then?—Yes.

334. Were any terms discussed between you?—Never; I told him that I was going to Pomfret, that I could not think of Carlow, and I will tell the con-

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versation that passed between me and Mr. Vigors. I told Mr. Vigors that I was going the next morning to Pomfret, with my confidential solicitor, Mr. Sudlow; I said I could not go to Carlow myself; and then he said, cannot you send some confidential friend of yours there? and I said I have no other confidential solicitor but Mr. Hamilton of Tarnham Green; that I would immediately go to him. I immediately went to Mr. Hamilton and found that he was gone to Wells with a candidate, and I wrote to Mr. Vigors that Mr. Hamilton would call upon him on his return from Wells; the letter was written by the house of Few & Company, and Mr. Robert Few called; what passed between them I do not know.

335. When next, after the month of December 1834, had you communication with Mr. Vigors?—Never after the 7th of December. I never saw Mr. Vigors till I met him at the Zoological on the 27th.

336. Did you hear of a petition being presented against the return of those two gentlemen?—Yes.

337. Had you any communication with Mr. Vigors or Mr. Baker, the Parliamentary agent, at the time that petition was presented?—Never.

338. Had you no communication while that petition was pending, with Mr. Vigors or Mr. Baker, upon the subject of your becoming a candidate in the event of the Members being unseated?—Never; I never saw Mr. Baker till after the petition against our return.

339. Or Mr. Fitzgerald?—Never.

340. Or Mr. Marr?—Never.

341. You know Mr. Marr?—The Rev. Mr. Marr.

342. Had you communication with any of those gentlemen while the petition was pending?—Not with any.

343. Then you have never been invited to take up that petition and prosecute it, with a view of becoming the candidate in the event of their being unseated?—Never.

344. Had you any communication upon the subject at all?—With no one.

345. Neither by yourself nor your solicitor?—Not by my solicitor.

346. Mr. Hamilton?—No.

347. Or through the intervention of any friend?—No.

348. Have you, directly or indirectly, entered into any discussion respecting the terms of your becoming a candidate for Carlow in the event of that petition being successful?—Never; I had no communication with any body.

349. Is the Committee to understand that the only communication you had with Mr. Vigors, directly or indirectly, respecting your representing Carlow, after December 1834, was in the month of May, at the time you learned that the Members were unseated?—Yes.

350. Were you aware at all, prior to that month of May, of any committee of gentlemen at Carlow managing the political concerns of the county, as far as their own views were concerned?—No.

351. Called a Liberal Club?—No.

352. You never heard of such a body?—I never heard.

353. Had you heard of any alleged persecutions of persons who had voted contrary to the wishes of their landlords?—Never.

354. You never heard information upon such a subject?—Never.

355. Had you heard of any fund which had been created for the purpose of relieving persons who had suffered under any persecution?—Never.

356. Had you heard any complaints at all, prior to your becoming a candidate, upon the subject of any persecutions in the county of Carlow?—Never; I know so little of Ireland, and less of Carlow.

357. Had you ever held out any expectations of your intending to become a landed proprietor in Carlow?—After my return.

358. Never before your return?—No; I said if I am returned a Member for Ireland, I shall certainly purchase property in any place that will do me the honour to return me.

359. How early did you make any representation upon that subject?—It must have been to Mr. Vigors during the November meetings.

360. In November 1834?—Yes.

361. Was that at the time that you were engaged for Pomfret?—Yes, I was engaged to go to Pomfret.

362. Had

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362. Had you any applications afterwards upon the subject of your becoming a purchaser of property in Carlow?—Yes, since my return.
363. Before your return?—Yes, during the election.
364. Did you refer any of those persons to any one?—No.
365. Not to Mr. O'Connell, for instance?—I told Mr. O'Connell that when I was returned I should purchase an estate, and he said, "Leave all that to me, I will purchase you a good estate; they do not like me to be concerned for purchasers, for I look very minutely into the deeds, and therefore I will purchase the estate for you."
366. Did you refer any persons to Mr. O'Connell to purchase for you?—No, I did not.
367. You are quite clear that you never referred any persons to Mr. O'Connell upon the subject of purchasing land for you?—No.

The *Chairman* directed the Witness to give first a direct answer to the question, and give his explanation afterwards.

368. Mr. Serjeant Wilde.]—Previous to your becoming candidate for Carlow, had you been requested to subscribe any sum of money to any fund for the relief of voters who might be persecuted or alleged to be persecuted?—No.
369. Then you had never heard any thing about the persecution or oppression of the people of Carlow?—No; of course I knew generally that the poor catholics were oppressed in Ireland.
370. Do you mean oppressed for voting?—No, I do not mean exactly oppressed for voting.
371. Is that your writing?—[*A letter being shown to the Witness.*]—Yes.
372. Will you be so good as to read it to the Committee? to whom is it addressed?—The address is not here.
373. What is the date?—July the 4th 1835: "Sir,—In answer to your favour of the 29th ultimo, I beg to refer you to my friend Mr. O'Connell, who has promised to purchase for me an eligible property in the vicinity of Carlow; I must thank you however for the kind offer of your father's property in the vicinity of Carlow."
374. To whom was it addressed?—I do not recollect, but it may be Mr. Pennyfather; two or three gentlemen had written to me, and I had sent answers; this may have been to Mr. Pennyfather, or some one else who wrote to me.
375. Will you be so good as to see whether that is your writing?—[*A letter being shown to the Witness.*]—Yes.
376. Will you read it?—"Great Stanhope-street, 15th of June 1835. Dear and Reverend Sir,—I received your favour of the 10th June on Saturday last, too late to forward the answer by this evening's post. I thank you most kindly for the sentiments contained therein; but I regret to say that my official duties, as one of the sheriffs of London, and the sheriff of Middlesex, will not permit me to absent myself, and more particularly at this present time, our June sessions having commenced this very day. It is my firm intention, however, with God's blessing, to pay you a visit in the course of this month, in the event of my being returned, to thank you and to see for all your kind exertions in my favour. The poor of Carlow county shall find in me their warm friend and their protector against their oppressors."
377. Were the oppressed there referred to the voters of Carlow?—I meant generally.
378. That is addressed to Mr. Maher?—Yes.
379. Had you seen Mr. Maher before writing this letter?—Never.
380. Had you seen Mr. Fitzgerald, the gentleman who has been mentioned to you, at any time before the writing of that letter?—No.
381. Then you had no communication with either of those gentlemen?—With neither of them.
382. Your arrangement with Mr. O'Connell was to pay two sums of 1,000*l.* each?—Yes.
383. Had you had any conversation with any person as to the second 1,000*l.* being applied to the purposes of any fund?—No.
384. Never?—Never.
385. Had you had any conversation with any one upon the subject of the costs

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costs of the petition by which the vacancy had been occasioned?—With my solicitor.

386. With any of the gentlemen whose names have been mentioned, Vigors, O'Connell, Fitzgerald, Maher or Baker?—No.

387. Had you ever heard any thing of the Liberal Club being desirous, in the event of the voters being distressed upon and being unable to sell their crops, to make them an advance?—No.

388. You never heard of that?—No.

389. Or of the probability of those advances being to a considerable extent repaid to you?—Never.

390. You never saw any letter of Mr. O'Connell's, containing a statement to that effect?—No.

391. Or at all relating to such a subject?—No.

392. Had any other person ever been suggested as being a candidate with you for Carlow besides Mr. Vigors?—No.

393. Had you ever heard any suggestion of Mr. Ponsonby being a candidate with you?—Yes.

394. When did you hear of that?—That I do not recollect.

395. How did you hear of it, or learn it?—It must be I think from Mr. Tyrrell, that is the only person that I know who was connected with Carlow.

396. Can you tell the Committee when you heard that?—I cannot, indeed.

397. Have you seen any statement of Mr. O'Connell's upon that subject?—No.

398. Or heard it read to you, or a copy of it?—No.

399. No written communication in any form from Mr. O'Connell upon the subject?—No.

400. You have mentioned a communication with Mr. O'Connell upon the 2d of August, which was pending the petition upon your return?—Yes, Sunday the 2d of August.

401. You said that Mr. O'Connell then complained of the constitution of the committee, and said he should wait?—He began by saying that it was the greatest political shock that he ever received; I do not exactly recollect the adjective he made use of in describing the committee, but the committee was against us; "but, however," he said, "I shall not make up my mind till the second vote is disposed of."

402. Were you aware at that time that the committee had been requested by the petitioners to open the register and investigate the validity of the votes put upon the register?—No; Mr. O'Connell mentioned to me something about Mr. Alexander's votes, but I paid no attention to it; I did not understand those things.

403. Will you address your attention to the matter now stated, whether or not you heard on that Sunday that the committee had been requested to open the register of the votes?—Yes, Mr. O'Connell told me so.

404. Was it that circumstance, as you understood at the time, that occasioned the state of depression in those gentlemen's expectations, namely, Mr. Vigors and Mr. O'Connell, was it in consequence of the committee having determined to open the register?—That I cannot learn.

405. What did you learn from that?—I learned nothing from that; I told Mr. Vigors, Mr. O'Connell seems to be disheartened, instead of his being able to cheer me, I am obliged to cheer him; and I endeavoured even to cheer Mr. O'Connell, for he seemed to be very low spirited.

406. And you appointed a meeting for the 5th?—For the 4th.

407. And upon the 4th, did you learn that the register had been opened and two votes had been struck off?—Only one vote had been struck off that morning, which I heard from Mr. O'Dwyer.

408. Had you then heard that the register had been opened?—I am sure I do not know, I paid no attention to that.

409. Pay attention to it now, and state whether you had heard or had not, that the committee had resolved to open the register?—I do not remember.

410. Sir E. Wilmot.]—Did you understand that the first vote being struck off was in consequence of the opening of the register?—No.

411. Mr. Serjeant Wilde.]—That the committee have determined to investigate the validity of the votes which had been registered by the barrister?—Yes,

I understand

I understand that, but I do not know whether my vote rejected was in consequence of that or not.

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412. Did you understand that it had been registered as a good vote?—
Oh, yes.

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413. And it was struck off?—Yes.

414. At that meeting on the 4th of August, were you told by either Mr. O'Connell or Mr. Vigors that in their opinion and the opinion of the counsel it would be useless further to resist the petition?—No, they never told me that; on the contrary, Mr. Vigors said, that "It will come to about 90*l.* a day, and Parliament will not sit long;" and then Mr. O'Connell said, "That is the maximum, it will not come to 90*l.*, perhaps it may be less; you need not pay consultation fees, or some expenses may be reduced; it will not be 90*l.* a day."

415. You say on the contrary; did you learn that it was their opinion and the opinion of the counsel that ultimately the petition must be successful?—No, I did not hear that.

416. Did not they decline further to resist the petition upon that ground?—No; they did not, indeed: I did not so understand it; on the contrary.

417. What do you mean by the contrary?—To go on in defending the petition.

418. On the 4th?—Yes.

419. You understood that they meant to go on to resist the petition?—Yes; it was to be at my expense of course then.

420. Did you understand that they would not go on to resist the petition at their expense?—Mr. Vigors said very plainly, "I have not paid at all, and I will not pay a crown piece."

421. That was on the 4th?—Yes; there I knew for the first time, that he had not paid any thing for the election.

422. Did you not on the 4th understand from them, or from one of them, that, in their judgment, the further resistance was useless; and that if you chose to resist it further it must be at your expense?—I knew it must be at my expense.

423. Did you understand that they would not prosecute it further, because it would be useless; and therefore, if you chose to prosecute it, it must be at your expense?—No; Mr. O'Connell said, "We will wait for the second vote;" the second vote was not struck off then.

424. When was that vote struck off?—I do not know; when we were at the Westminster Club we had not heard of the second vote being struck off; and Mr. O'Connell said to Mr. Vigors, "I think Raphael is right; we ought to wait till the second vote is struck off."

425. Was it upon that 4th of August that you determined to prosecute the resistance to the petition at your own expense?—Yes, at least for a day or two.

Sir *Ronald Ferguson*.]—You said just now Raphael is in the right; there must have been some discussion about it before that observation was made.

426. Mr. *Serjeant Wilde*.]—You said that Mr. O'Connell said Raphael is in the right; will you state the conversation that preceded that what led to that observation, "Mr. Raphael is right; we ought to wait I think till the second vote is struck off?"—I do not know; Mr. Vigors, I suppose, must have shown an inclination to give up, and then Mr. O'Connell must have answered, that I cannot tell.

427. But you say from that day, the 4th of August, you determined to resist the petition at your own expense?—For a day or two, I had not made up my mind to resist it to the end.

428. Will you tell the Committee, whether the arrangement that you come to was to this effect, that the petition should be resisted as far as the second 1,000*l.* would pay the expenses, and that if you thought fit to go on beyond that it was to be at your own expense?—Yes, of course.

429. That you were to pay the expense of that petition, having the 1,000*l.* as the credit against it?—Yes.

430. Was it not stated to you on that 4th of August, that for any useful purpose it was idle further to resist that petition?—No.

431. Did you not state, that you deemed it of great importance for you to continue a Member till the end of the Session, and wished the opposition to be protracted to obtain that object?—Yes; and Mr. Vigors wished it also.

432. You

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432. You say that Mr. Vigors wished it also; was it not in answer to a remark of yours that Mr. Vigors said, "As the petition cannot be successfully resisted I will not pay 5*l*. 7*s*."—Yes, of his own money; but he advised me to go on with it, he said it would cost me only 90*l*. a day; he wished me to maintain my seat that he might retain his.

433. But at the same time, he told you that he would not give 5*s*. to remain in Parliament?—Yes.

434. And you determined to go on with it?—Yes, till I wrote that letter to Mr. O'Connell.

435. How long did you go on?—I went on longer, till the 19th of August.

436. In the course of that resistance of yours, 70 votes were struck off by one resolution of the committee?—Oh yes, as I heard; I was not in the room.

437. From that 4th of August, you and your agents took the management and conduct of the opposition?—I will not say my agent, for Mr. Baker was never my agent; he was appointed for me; I told him the first day I saw him, "You are not my agent, Mr. Baker, Mr. O'Connell is my agent."

438. Was Mr. Baker continued after the 4th of August?—Yes.

439. But not as your agent?—Not as my agent; but in justice to him I will say, that he offered to give up the papers into the hands of Mr. Hamilton, and Mr. Hamilton said, I cannot take them now, I am not prepared with the case.

440. Did Mr. O'Connell or Mr. Vigors further interfere in their resistance to the petition?—Mr. Vigors appeared every day, but we could not get Mr. O'Connell to come and assist us; they were pressing me to go to Mr. O'Connell; they said, he must give us his assistance, and I went once in a supplicating manner to ask him to give us his aid and assistance, and he said, "No, I cannot do any thing more."

441. You retained no counsel?—We were obliged to get any counsel; we had no counsel.

442. You did not retain those that had appeared before Mr. Harrison and Mr. Hill?—Mr. Harrison had declined, and as Mr. Hill did not give his attendance as he ought, Mr. Baker and Mr. Hamilton thought we ought to have somebody else, for Mr. Howley complained that he was alone, and could not do us justice.

443. On what day was it the new counsel was brought in?—I believe Mr. Pollock was brought in two days before we gave in.

444. Had you brought in any other counsel or gentleman with Mr. Howley?—Mr. Harrison and Mr. Hill were originally retained, afterwards Mr. Howley was retained, and then Mr. Hamilton and Mr. Baker advised having another counsel, and we could not get any; it was at the time of the assizes, and we hunted and got Mr. Pollock.

445. But from the 4th of August to the time that you continued the opposition, Mr. Harrison and Mr. Hill did not appear?—They appeared a few days after the 4th of August, but I took no part.

446. Was it not wholly conducted on your behalf from that time?—I left it all with Mr. Baker and Mr. Hamilton; Mr. Hamilton only appeared as a friend to protect me.

447. Who acted as the professional agent besides Mr. Baker?—Nobody else; Mr. Hamilton did not appear as my solicitor or agent, but as my friend, to protect my property.

448. You state that you did not know that Mr. O'Connell was acting on behalf of Mr. Vigors, you never heard of that?—Never.

449. Will you state what you understood by the letter of Mr. O'Connell's which contained this expression, "I have a note from Mr. Vigors, to whom I am pledged, pressing me upon the subject," that is, in relation to the second 1,000*l*.; "let me know at once who is to give it me; I have a note from Mr. Vigors, to whom I am pledged, pressing me upon that subject?"—I assure you that I paid no attention to that; I had nothing to do with it; I sent the paper back, as Mr. O'Connell wished it to be sent, but I paid no attention to it.

450. But you have stated to the Committee that you never heard or knew that Mr. O'Connell was acting on behalf of Mr. Vigors. In your printed letter you set forth this letter from Mr. O'Connell which you have produced here: "My dear Sir,—You did not say to whom I was to apply for the second sum of 1,000*l*. according to our arrangement; it is necessary, absolutely necessary, it should be paid this day; let me know at once who is to give it to me. I have

a note

a note from Vigors, to whom I am pledged, pressing me on this subject; I, of course, am bound to him for the money." What did you understand by that when you tell the Committee that you never heard that Mr. O'Connell was acting for Mr. Vigors?—I must again say that I never understood Mr. O'Connell acted for Mr. Vigors.

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451. What did you understand by that passage which has been read?—I understood nothing at all; I had nothing to do with it.

452. Do you mean to tell the Committee, that you drew no inference from that statement, that Mr. O'Connell was accountable to Mr. Vigors for the money?—I did not.

453. Did you read the letter?—I do not think that I read it with any attention; I did not want to have any thing to do with Mr. Vigors.

454. Will you reconcile to the Committee, in the best way that you can, your answer that you never knew Mr. O'Connell acted on behalf of Mr. Vigors, with the paragraph in that letter, received and read by you before you paid the second thousand pounds?—I have nothing more to say; I will answer every question that is put to me, but as I said before, I did not pay any attention to that letter of Mr. Vigors; I sent it back immediately by my friend, and I thought nothing of it.

455. What did you send back?—That letter.

456. By what friend?—A friend of mine.

457. Who was that?—A Mr. Morris.

458. For what purpose did you send it back again?—To comply with Mr. O'Connell's request.

459. You have not attended to the letter; you are confounding it with another letter; this is not a letter that Mr. O'Connell begs to have back again; this is a letter of July the 5th; do you adhere to your answer that you sent this letter back again by Mr. Morris?—Yes, I sent the letter back.

460. Will you refer to the letter?—[*The Witness referred to the letter.*]

461. Mr. Serjeant *Wilde*.]—Will you bear in mind, that you have spoken of another letter sent to you, which was a letter from Mr. Vigors to Mr. O'Connell, and not from Mr. O'Connell to you; and in that second letter to which you have referred from Mr. Vigors to Mr. O'Connell, Mr. O'Connell inclosed that letter and another for you, desiring that it should be returned as containing a voucher for 800*l*.; this is not that letter?—I see that it is not.

462. Do you mean to state that you returned the letter to which your attention is now called?—If there was a letter, I returned it; I did not see that there was any letter.

[*The Letter was produced.*]

463. That letter was in your possession when you attended the Committee yesterday?—Yes.

464. Is the Committee to understand from you, that you have ever returned that letter to Mr. O'Connell?—No, to be sure not; this I had in my possession yesterday.

465. When you were asked what impression a paragraph in that letter had made in your mind, you stated that you paid very little attention to it, and you returned it to Mr. O'Connell?—I mistook that for the other letter.

466. Now the question is repeated to you, and you understand that that question refers not to the letter returned, but to a letter retained in your possession, can you reconcile your statement to the Committee, that you never knew that Mr. O'Connell acted for Mr. Vigors, with your having received and sent a letter in which Mr. O'Connell stated that he was bound to Mr. Vigors for the money?—I do not know what answer to give.

467. Sir *Eardley Wilmot*.]—What did you understand by the words, being pledged to Mr. Vigors?—I paid no attention at all to it; I paid no attention to any money matters between Mr. Vigors and Mr. O'Connell; I would answer any question if I understood it.

468. Sir *C. B. Kere*.]—Did you consider that the second thousand pounds was to be paid or was to be made use of towards the election by Mr. Vigors?—No.

469. Mr. Serjeant *Wilde*.]—What did you understand was to be the appropria-

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prization of that money?—That he may have owed Mr. Vigors money, or that Mr. Vigors may have paid some expenses on his account, that he was bound to repay.

470. You understood that Mr. O'Connell was to pay a debt of his to Mr. Vigors out of your 1000*l.*?—Perhaps he paid the money to Mr. Vigors to pay the election bills, or Mr. Vigors may have paid the election bills, which Mr. O'Connell was bound to pay.

471. *Mr. Warburton*.]—Is that the interpretation you now put upon the phrase in the letter, or is it the interpretation which you put at the time of receiving the letter?—At the time of receiving the letter.

472. Then you did reflect upon that phrase in the letter; you stated before that you had paid no attention whatever to it?—I paid very little attention to it.

473. *Mr. Serjeant Wilde*.]—An honourable Member has asked you, whether you understood that second 1,000*l.* was to be applied to the purposes of election expenses; you stated, "No;" you have since said that you thought it might mean that Mr. Vigors had paid the election expenses, and that Mr. O'Connell was to repay him, do you adhere to that latter answer?—My understanding at that time was the same as it is now; I paid no attention at all to any thing to which Mr. Vigors' name was put; I had nothing whatever to do with Mr. Vigors.

474-5. Was your answer correct, and according to your present meaning, that you thought this might be a repayment to Mr. Vigors of election expenses which he had paid?—Yes, nothing was more natural than that.

476. Did you understand that the 1,000*l.* was to be applied to such a purpose?—The 1,000*l.* was to be applied for the nomination, and the second 1,000*l.* was to be applied for returning me; that is all that I know.

477. Explain what you mean by "applied for returning you;" do you mean in the payment of election expenses?—Of course.

478. Did you entertain the same belief in regard to the first 1,000*l.* that it was to be applied to the election expenses?—Certainly.

479. You are then to be understood by the Committee, that as far as your belief went, no part of that money was to be retained by Mr. O'Connell, but the whole to be applied to the payment of election expenses?—The whole to be applied.

480. *Mr. Burnaby*.]—Was there any thing said, that if the amount of the expenses did not come to 1,000*l.*, any part of that was to be returned to you?—It was not to be returned.

481. *Sir Eardley Wilmot*.]—Was any thing said?—No.

482. *Mr. Ward*.]—You have said, that perhaps Mr. O'Connell owed money to Mr. Vigors, do you mean to say that you supposed at that time, or suppose at this time, that there were any pecuniary transactions between Mr. O'Connell and Mr. Vigors, unconnected with the election, which were to be paid out of the 1,000*l.*?—I do not mean private transactions, but as to this election.

483. You do not mean, by the answer to the question, to imply that there were any private transactions between Mr. O'Connell and Mr. Vigors, which were to be paid out of your money?—No.

484. *Lord Francis Egerton*.]—Were you at that time under the impression that Mr. Vigors was to support the expense of the election in a like manner with yourself?—I really thought so.

485. Did you suppose, from that mention of Mr. Vigors, that it might possibly mean that Mr. Vigors was at that moment paying his way, and therefore having made certain payments, was in a situation of calling upon any person who had influence with you, or upon yourself, to come forward at that time with certain sums in order that you might stand upon the same footing as to payments with him?—Yes.

486. *Mr. Serjeant Wilde*.]—Will you state what you understand by the Noble Lord's question just put to you?—I understood his Lordship to say that of course Mr. Vigors must have held expenses incurred at the election, and therefore this money may have been expenses incurred by Mr. Vigors, and paid to him.

487. *Mr.*

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487. Mr. *Bannerman*.]—Did you imagine that the election would cost 4,000*l.*?—Yes; sometimes elections have cost a great deal more; I did not know any thing of elections in Ireland.

488. Mr. *Ord*.]—But you must have concluded that it would cost the 4,000*l.*, if Mr. Vigors was to pay half the expenses?—Yes.

489. Mr. *Sesjeant Wilde*.]—Did any one ever state to you that Mr. Vigors was to pay an equal sum with yourself?—No.

490. You knew there had been a petition against the sitting Members, Mr. Cavanagh and Mr. Bruen?—Certainly.

491. Did you know who had paid the expenses of that petition?—No.

492. Were you at all aware that Mr. Vigors had prosecuted that petition?—Never.

493. You never learnt it from Mr. Baker, or any body else?—No; I think I heard Mr. Vigors say that it cost him a good deal of money, and he said, when you are returned I think you ought to pay me back some.

494. When was that?—Two or three days before he went to Ireland; he said it in a joke; he said, "I have spent a great deal of money, and when you are returned I think you ought to pay me part of it back."

495. And was that before the election at which you were returned?—Yes.

496. Where was it that that conversation took place?—At my own house.

497. On what day of the week was it you saw him at the Zoological?—On Wednesday.

498. On what day was that conversation?—I think it was either Friday, Saturday or Sunday, but I rather think it was Sunday.

499. When he stated that it had cost him a great deal of money, was that the petition?—For the borough of Carlow that he had spent a good deal of money to get into Parliament; I do not know whether it was the petition or not; he said, "I have spent a good deal of money, and I am not so rich a man as you."

500. Did you at that time converse as to the expenses of the election?—No.

501. You have detailed to the Committee the course of this transaction, will you attend to the questions that may be put to you and see whether those questions state correctly the actual course of the transaction. Did not your connexion with Carlow commence by a communication with the Carlow committee?—No.

502. Was not your first communication with Mr. Vigors upon the subject of your becoming a candidate at Carlow in consequence of a communication from that committee?—I do not recollect.

503. Was there not a new negotiation opened between you and Mr. Vigors, wholly independent of Mr. O'Connell, just on the eve of the election at the latter end of 1834?—I do not recollect.

504. Did you not at the time when you learned that the committee had declared the election of Cavanagh and Bruen void, state to Mr. Vigors at that time that you wished to consult a friend before you gave an answer as to becoming a candidate?—No; do you refer to the Zoological Society?

505. Did not Mr. Vigors ask of you who that friend was that you wished to consult?—No.

506. Did not Mr. Vigors say to you, in consequence of your making such an answer that he must leave England shortly for Ireland; no time must be lost, and he would wish to know who the friend was that you wished to consult that no time might be lost?—He said that he must leave England to go to Ireland.

507. Did he add that he must know the friend that you wished to consult?—No.

508. Did you, in answer to such a remark, say "Mr. O'Connell is the friend whom I wish to consult"?—No.

509. Did not Mr. Vigors, in consequence of such a remark as has been put in the last question, say, "If Mr. O'Connell is the friend, I will leave it to Mr. O'Connell to make the arrangement between us"?—No.

510. Did you not very soon after your conversation at the Zoological with Mr. Vigors, apply either to Mr. O'Connell or at his house to see him?—No; excepting what I detailed yesterday.

511. Yesterday you said that the application to you upon the subject of your becoming a candidate for Carlow was by Mr. O'Connell in the first instance, after you had seen Mr. Vigors, and not in consequence of your applying to see him?—

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him?—I mentioned that I first wrote to Mr. O'Connell on the 23d of May; on Wednesday the 27th I met Mr. Vigors, and on Thursday the 28th Mr. O'Connell called upon me; Friday and Saturday Mr. Vigors called upon me; but I am positive that he called upon me on Sunday to say that he was going to leave town, and that he must see Mr. O'Connell.

512. On what day did you hear that the election was voided?—On Wednesday the 27th, at the Zoological meeting.

513. And on the 23d you wrote to Mr. O'Connell?—Yes.

514. And that preceded the meeting him at dinner?—Yes, the day before.

515. And then Mr. O'Connell took no notice of the letter you had written to him?—He did not.

516. After your conversation with Mr. Vigors at the Zoological, did you apply at Mr. O'Connell's house for the purpose of seeing him?—I said yesterday Mr. O'Connell called upon me.

517. That is no answer to the question, the question is whether before Mr. O'Connell called upon you, you had called at his house?—No.

518. Had you written to him or sent to him after your conversation with Mr. Vigors?—No.

519. You had made no attempts to see Mr. O'Connell after your conversation with Mr. Vigors, prior to his calling upon you on the 28th?—No, I expected a letter from him.

520. Had you told Mr. Vigors that you would see Mr. O'Connell?—I said "I must see Mr. O'Connell."

521. Do you mean that you said that at the meeting of the Zoological?—I do not know, but whenever he mentioned Carlow, I said "I must see Mr. O'Connell."

522. My question is confined at present to what took place at the Zoological, and between that and the 28th?—I will state what happened at the Zoological; Mr. Vigors said, "Accounts have just come from the House of Commons half an hour ago; Messrs. Bruen and Cavanagh are unseated, the county of Carlow is now open for you; Mr. O'Connell has some friend in view;" I said, "Perhaps that friend is myself;" nothing more than that passed.

523. Did you or not tell Mr. Vigors that you would see Mr. O'Connell?—Yes, not on that day, but I may have said so to him on Friday or Saturday when he came.

524. At that meeting did you say so?—I will not be positive.

525. Upon the Sunday when you did see Mr. O'Connell and made the arrangements; yesterday you said that you had not told Mr. Vigors that you were going to see Mr. O'Connell, though you met him in the course of your going?—No, Mr. Vigors called upon me on the Sunday, to say that he wanted to see Mr. O'Connell; I knew that he would be at home at two o'clock because I had an appointment with him, but I would not tell Mr. Vigors, and on my way back from Mr. O'Connell's, in Hanover-square, I saw Mr. Vigors, but I did not wish to see him lest he should put questions to me.

526. You stated that you said to a lady that you did not wish to speak to Mr. Vigors, did you not stop the carriage and speak to Mr. Vigors and say, "that you had completed the arrangement with Mr. O'Connell?"—No, so help me God.

527. I will call your memory back, I was carrying you through a supposed detail of transactions, and asking you whether at the meeting at the Zoological, you had not spoken of Mr. O'Connell as the friend whom you wished to consult, and if Mr. Vigors had not stated then to you that he would leave the arrangement with him, and I understand you to say that no arrangement was discussed at all with Mr. Vigors?—No.

528. I ask you further, if before that, pending the petition against Messrs. Cavanagh and Bruen, you had not had a negotiation with Mr. Vigors in which you discussed the pecuniary terms of your becoming a candidate?—No.

529. I also ask you if you had not distinctly discussed pecuniary terms with Mr. Vigors on the former occasion, when you were required to pay 600*l*. for election expenses, and 1,000*l*. to the funds to be administered by the Carlow Liberal Club, in relief of persons who might be distrained upon in consequence of their votes?—No.

530. Never

530. Never at any time?—Never, I never heard of the Carlow Liberal Club.

531. Or the Liberal Club at Carlow?—No.

532. Or any club?—Or any club in Ireland.

533. Had you any communication at any time with Mr. Baker, prior to the petition against yourself?—I never saw Mr. Baker.

534. Then you had not?—No.

535. Had your solicitor to your knowledge or on your behalf?—Not on my behalf.

536. Did you make any inquiry of what was to become of the second 1,000*l.*, if the election expenses did not amount to that sum?—No.

537. You never made any inquiry about it?—Never, if there was any surplus, I did not mind whether Mr. O'Connell kept it for his time and trouble.

538. You did not express any such opinion?—No, I did not.

539. But in truth the disposition of any part of that 1,000*l.* was never specifically the subject of conversation?—Never; neither the first 1,000*l.* nor the second 1,000*l.*

540. You say that the arrangement on the 4th of August was, that you were to take upon yourself the cost of the election petition, and to have credit for the 1,000*l.*?—The 1,000*l.* was not mentioned, it was of course understood.

541. That was your understanding of the arrangement?—Of course.

542. You had credit for that 1,000*l.*?—Not at the time, it was a long time before Mr. Baker would give us credit for that.

543. Did he do so?—Yes, at least he promised to do it; we have applied for his bill and he will not send his bill in.

544. Did I understand you then, that the 1,280*l.* which you mentioned yesterday, were the costs of petition after the expenditure of 1,000*l.*?—Yes; I made a trifling mistake, it is 1,300*l.* that I paid.

545. Is that after giving credit for the 1,000*l.*?—Yes.

546. In the printed paper that you have referred to it is stated, that many applications were made to Mr. O'Connell for the second 1,000*l.*; did you ever make any?—No.

547. Who did, to your knowledge?—I do not know.

548. Upon what authority is it that you state, that many applications were made to Mr. O'Connell for the payment of the second 1,000*l.*?—The authority of my solicitor, and I likewise was present when we wanted the money, and we could not get it.

549. What period do you allude to in your last answer?—From the 4th of August to the 19th of August.

550. Did you ever apply to Mr. O'Connell?—No.

551. Did you understand from your solicitor that he had applied?—He would not apply.

552. Upon what authority did you make the statement then, that many applications had been made to Mr. O'Connell for the payment of that second 1,000*l.*?—Mr. Baker wanted 500*l.*, and we paid him that, and soon afterwards he said, "I must have more money," and I paid a second 500*l.*, and I said after that, I am determined not to give another farthing until he will give me credit for the 1,000*l.*

553. Have you any other answer to give to the question which is, whoever stated to you that many applications had been made to Mr. O'Connell for the payment of the second 1,000*l.*?—Mr. Hamilton.

554. And yet Mr. Hamilton told you, that he would not make application?—He would not.

555. Did he ever name any person who had made application?—No, I do not recollect the name of the person.

556. Do you mean to state, that Mr. Hamilton represented to you that any applications had been made for payment of the second 1,000*l.*?—Yes; not to Mr. O'Connell, but to Mr. Baker to give credit for the money.

557. Do you know of any application having been made to Mr. O'Connell?—Yes, I think I do, I think Mr. Tyrrell and Mr. Baker.

558. When did you learn that?—During the time from the 4th of August to the 19th of August.

559. Who stated it to you?—I heard it in the conversation.

560. Who?—We were with Mr. Tyrrell, and Mr. Baker and Mr. Baker, we were together.

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561. Will you name the individual who made such a statement?—No, I cannot.

562. Will you name an individual who was present when such a statement was made?—No, I cannot.

563. You have stated that you made no inquiry as to what was to become of any surplus of the 1,000 *l.* not required for the purpose of election expenses. From first to last of your communication with Mr. O'Connell was there ever any statement or understanding that he was to retain 1 *s.* of the money?—No, certainly not.

564. Was it not your understanding throughout, that as far as Mr. O'Connell was concerned, the whole of that sum was to be paid over by him to some person or persons on account of election expenses?—I do not know; I was to pay 1,000 *l.* on nomination and 1,000 *l.* on being returned.

565. The question to you is, whether it was not your understanding from first to last, that as far as Mr. O'Connell was concerned he was to pay over to some person or persons for election expenses the whole of the 2,000 *l.*, and not to retain any thing himself?—He was not to retain any thing, he was to pay the expenses; if there was any surplus of course that was his business and not mine.

566. Did you ever hear from Mr. Connell or Mr. Vigors, during any of your communications, any intention of an illegal application of a single shilling of that money?—No.

567. Did you communicate at any time with any gentlemen from Carlow upon the subject of your being a candidate for that place?—After my election?

568. Before your election more particularly than after?—No.

569. Did you ever cause any communication to be made to Mr. Connell upon the subject of your political opinions, in order to induce him to recommend you?—No.

570. Never?—Never.

571. Did you ever cause it to be represented to Mr. O'Connell, that your opinions were as liberal as his upon all subjects but one, and that was the Repeal, but for that you would not vote?—No; I gave Mr. O'Connell my lithograph address to the electors of Westminster before it went to be lithographed.

572. A letter has been read in which Mr. O'Connell speaks of arranging your address; did you before he wrote that letter to you send him the Westminster address?—I gave him my Westminster address, or sent it him.

573. Were the opinions which you had expressed in that Westminster address very liberal opinions?—Yes, I hope so.

574. Not Radical, I hope?—No, not destructive; I am only a Radical in the true sense of the word, not in the meaning attached to it.

575. You have been asked with reference to your statement that you did not know that Mr. O'Connell was acting for Mr. Vigors in respect to the letter; your attention is now called to another letter, dated Wednesday the 17th of June; you will find a short paragraph, stating, "On the 17th, Mr. O'Connell wrote me the following;" and that following is there given: "My dear Sir, I send you Vigor's letter to me just received. You see how secure we are; return me this letter, as it vouches 800*l.* for me." What was your construction of that passage as to Mr. O'Connell's being accountable to Mr. Vigors for the money?—I returned the letter, as I said before; I do not recollect what it was; I did not think any thing of it.

576. Your indifference to money matters induced you to pay no attention to it?—Yes, I said so in the commencement, and I will say so a hundred times if it is asked me.

577. Are the Committee to understand you, that now that you pay attention to this letter, you did or did not know that Mr. O'Connell was acting on behalf of Mr. Vigors, and so accountable to him for the money?—I did not.

578. What is your impression on reading this letter, do you think that this letter imports that he was acting on behalf of Mr. Vigors?—That I cannot tell; it is beyond my comprehension.

579. You perused these letters attentively before you published your statement?—I hope so.

580. However little you might have attended to these letters when you received them, how do you reconcile your statement when you perused them for publication; did you prepare them for publication?—Of course.

581. Was this letter composed by yourself?—You may call it a joint composition.

582. Did

582. Did you contribute to it the copies of the letters that passed?—Of course, without those letters the statement could not have been made out. *Alexander Raphael, Esq.*

583. With the exception of those letters, is this statement your composition or not?—Part of it; I hope I am able to write such a statement; it is a plain straight-forward statement.

584. Do you mean to state to the Committee that this letter is your composition?—Part of it.

585. Have you any objection to state who was the joint contributor?—Am I obliged to answer that?

Chairman.—No, I think not.

586. Mr. Serjeant *Wilde.*—Have you any objection to state who was the joint contributor?—I have an objection.

Mr. Serjeant *Wilde* suggested that the question ought to be pressed.

Sir *Frederick Pollock* stated that he made no objection to the question.

587. Mr. Serjeant *Wilde.*—I wish to know who assisted you in the composition of that letter which you published?—Am I bound to answer?

588. *Chairman.*—Do you object to answer?—I do not see that I ought to object to it, Mr. Hamilton.

589. Mr. Serjeant *Wilde.*—No one else?—No one else.

590. Have you ever parted with the possession of Mr. O'Connell's letters, or have they been in your possession always?—They were sometimes in Mr. Hamilton's possession.

591. In any other person's, to your knowledge?—Never.

592. You understand the question to apply to the letters mentioned in this statement?—Yes, to the originals which I produced yesterday.

593. The originals which you produced yesterday, together with the copies which have since been destroyed?—Yes.

594. Did you ever publish that letter at Carlow?—No.

595. It was sent direct to the "Times" newspaper in London?—I took it myself.

596. When did you take it?—I said on Thursday, the 29th of October.

597. You are quite clear of the date?—Quite clear.

598. You published a second letter?—Yes.

599. Were you also assisted in that by Mr. Hamilton?—Yes.

600. And by no other person?—By no other person.

601. Then this statement was made with your knowledge and with your authority?—Certainly.

602. "Mr. O'Connell asserts, that he acted throughout the business on behalf and as the trustee of Mr. Vigors, and that I knew it; this I distinctly and positively deny?"—Yes.

603. And you go on to state that you, in fact, kept it secret from Mr. Vigors what your arrangement had been?—Yes.

604. So that the terms never had been discussed between you; and that is also a statement with your authority?—Yes.

605. Sir *F. Pollock.*—Do you believe that to be an entire copy of the letter that you sent to The Times newspaper? [*a statement being handed to the witness*]—Yes.

606. What is the date of it?—The 20th of October.

607. Did you write only two letters, or was there a third?—Three.

608. It is the third about which Mr. Serjeant *Wilde* has been asking? is not printed.

609. Will you run over this, and say whether you believe that this is a copy of the letter a part of which has been read by Mr. Serjeant *Wilde*: "Mr. O'Connell asserts that he acted throughout the business on behalf and as the trustee of Mr. Vigors?"—I think it must be this; I never saw this before.

[*Mr. Serjeant Wilde examined the paper, and admitted that it was correct.*]

610. Sir *F. Pollock.*—At the time you prepared your statement which you published in a letter to The Times newspaper, had you in your possession copies of the letters that you had addressed to Mr. O'Connell?—Yes.

611. Did Mr. Hamilton see those copies?—He did.

612. You say you afterwards burned the copies that you used in preparing that publication?—Yes.

Alvanster Raphael,
Esq.

1 March 1838.

613. Are the prints that you have seen and the letters you have seen in The Times newspaper copies of those letters?—Except that word "ballot," there was that mistake.

614. Which ought to have been "bulletin"?—Yes, and two or three of the letters were not in right order; that is the only mistake.

615. When did you become a candidate, or enter upon the question of being elected for Pomfret; was it before the November Session of 1834?—The communication was in the November Session.

616. In the month of November?—Yes; but I went down in the month of December.

617. Was the communication in respect of Pomfret made to you before Mr. Vigors called upon you at the Old Bailey?—Yes.

618. Was any thing mentioned by Mr. Vigors at that time about the terms of the Carlow election?—No.

619. You say that you did not obtain a letter of Mr. O'Connell's as an autograph?—No, I have not got it.

620. Have you produced to the Committee every letter in your possession that you ever received from Mr. O'Connell?—Every letter.

Mr. Serjeant Wilde.]—My question applied to letters received by others handed to him.

621. Sir F. Pollock.]—Have you produced every letter in your possession that came directly or indirectly from Mr. O'Connell, or from any body else upon the Carlow election?—Yes.

622. A letter of the 4th of July, purporting to come from Mr. Pennefather, in your handwriting, is produced; did you write that before or after your taking your seat?—It was after, from the date; it is dated July; I took my seat on the 25th June.

623. You have been asked about a conversation with any one, as to applying the second thousand pounds to pay farther expenses; was it explained to you by Mr. O'Connell, or by any body else, in what manner the thousand pounds, either the one or the other, was to be applied?—No.

624. You have been asked as to your understanding of some of the letters that Mr. O'Connell addressed to you; will you take in your hand the first letter you received of the 29th of May?—[*The Witness examined the same.*]

625. What proposal did that allude to, where Mr. O'Connell says, "as you do not accede to my proposal?"—The proposal of risking a thousand pounds.

626. When made?—The 28th of May.

627. "I take for granted that you decline my offer;" did you understand that to be an offer from Mr. O'Connell or Mr. Vigors?—Mr. O'Connell, certainly.

628. Refer to a letter of the 1st of June: "My dear Sir, You have acceded to the terms proposed to you for the election of the county of Carlow, viz. you are to pay before nomination 1,000*l.*; say 1,000*l.*, and a like sum after being returned; the first to be paid absolutely and entirely for being nominated; was that sum to be paid, whether the nomination was to cost a thousand pounds or not?—Yes; but if I was not nominated, the thousand pounds was to be returned to me.

629. You say that that letter was written by Mr. O'Connell in your presence, on the 31st of May?—Yes, the 31st of May, though dated the 1st of June.

630. Was Mr. Vigors's name in the conversation mentioned any more than it is mentioned here in the letter?—No, as I said before; I said, "I wish Mr. Latouche had been my colleague," because Mr. Vigors was to be my colleague; that is all.

631. Look at the letter dated Wednesday, one that my learned friend has particularly called your attention to: "My dear Sir, I sent you Vigors's letter just received; you see how secure we are;" is that underscored?—Yes.

632. "Return me this letter, as it vouches 800*l.* for me;" is "for me" underscored?—Yes.

633. "With that you have nothing to do;" did you understand you had any thing to do with Mr. Vigors from that letter?—No, not at all.

634. On the 2d of August, you have stated a conversation, you told Mr. Serjeant Wilde, some expression of Mr. O'Connell's, about its being a political shock;

shock; how came he to use that expression, and to what did it relate?—As soon as I went in, Mr. O'Connell seemed very low spirited, and he had his hand up to his head, and I thought I saw tears in his eyes.

635. What did he say?—He said, "This is the greatest political shock I have ever received;" and I said, "Never mind, Mr. O'Connell, never mind."

636. What was the state of the prospects of the election, as represented then by Mr. O'Connell and Mr. Vigors?—I began to fear, from his conversation, that I should be soon unseated; and now I recollect Mr. O'Connell said, "Ireland ought to make a representation for you, for the sacrifices you have made; Ireland ought to make a representation for you."

637. That was the day before the letter which spoke about your being a baronet?—Yes.

638. In your answer to that letter, you speak about the prospect of being unseated; did you derive that from the conversation that you have alluded to?—Yes, I did so.

639. Did you understand the merits of the election, the number of votes that were disputed on either side?—No, I did not; I paid no attention to it, for I used to say to every body, "I have nothing to do with it."

640. If you had known from Mr. O'Connell and Mr. Vigors that there was no chance in the committee at all, should you have continued in the contest?—I would not have defended the petition. Mr. Vigors told me, on his return from Ireland, "there may be a petition, perhaps there will not, and we may lose perhaps a vote or two, but we shall gain a great many more from the other side; our majority will be increased," and I did not know at that time that Mr. Vigors' 70 tenants were the 70 voters. Afterwards I heard, during the petition, that 70 of his voters were the bad voters; if I had known that 70 of our votes were such bad votes, I would not have defended the petition.

641. On that 2d of August, or before you continued the petition at your own expense, did you understand whether the contest was hopeless, or whether it would be so expensive, that the parties did not like to go on with it, namely, Mr. O'Connell and Mr. Vigors?—Mr. O'Connell said, on the Sunday, "I shall wait till the second vote is disposed of, that is all."

642. And when was the second vote disposed of?—The second vote was disposed of on Tuesday morning, the 4th of August, or perhaps it was disposed of the day before I went, by appointment, to the Westminster Club; on the Tuesday Mr. O'Dwyer saw me, and told me, "Your vote is struck off;" whether it was struck off that morning, or the day before, I do not know.

643. My learned friend asked you as to your construction of a letter of the 25th of July; your attention was called to this: "It is necessary, absolutely necessary, it should be paid this day?"—"Absolutely necessary" is scored under, and "this" is scored under.

644. "Let me know at once who is to give it me; I have a note from Mr. Vigors, to whom I am pledged, pressing me on this subject;" did you consider that you were pledged to Mr. Vigors, through the agency of Mr. O'Connell, at this time?—No.

645. And your attention was called to the other expression, "I of course am bound to him for the money;" did you consider you were bound to Mr. Vigors for the money?—No, I only looked to Mr. O'Connell, and no one else.

646. Had you ever any statement made to you to what purpose the money was to be applied, if there had been only a show of a contest, whether legal or illegal?—No, nothing was said to me, no communication was made to me; I presumed, of course, that it was for legal expenses; having to deal with so great a lawyer as Mr. O'Connell, of course I knew that he was not doing anything illegal.

647. You are aware that if after your nomination you had been returned without a contest, the second 1,000*l.* could not have been wanted for the expenses of the election?—That I cannot tell, what the expenses upon election will come to.

648. You do not know any thing at all about it?—I do not know.

649. You do not know what the expense of a Carlow election has been?—No.

o.29.

650. Whether

*Witness: Richard
Esq.*
1 March 1878.

*Alexander Repley,
Esq.*

1 March 1836.

650. Whether 4,000*l.* would be sufficient, or any other sum?—No.

651. My learned friend asked you whether you did not say Mr. O'Connell was a friend that you wished to consult in a conversation with Mr. Vigors; in point of fact, who was the friend whom you wished to consult upon the subject?—I did not say that I wanted to consult with a friend.

652. Did you consult with Mr. O'Connell?—I wrote to Mr. O'Connell, expecting an answer from him; instead of that, he did me the honour to pay me a visit, to come under my roof, which I thought a great condescension on his part.

653. In that conversation did he mention the name of Mr. Vigors as the person with whom he was treating?—No.

654. You were asked about the payment of 1,000*l.*, or credit given for it to this day; have you received any bill of the entire expenses from Mr. Baker?—No, and we cannot get it, even yesterday my solicitor applied for it.

655. Do you know now whether you have received credit for the 1,000*l.*?—Yes, by a letter written by Mr. Baker to Mr. Hamilton, to say, "I will give you credit for the 1,000*l.*"

656. Is that deducted from a large amount, of which you have no particular items, or have you not the accounts?—We have not the accounts; he only said from the commencement, "I have 350*l.* only, and I have paid more than 300*l.* to counsel, and I must have money."

657. Ultimately, you say, he said he gave you credit for the 1,000*l.*?—He wrote to Mr. Hamilton.

658. Without delivering any bill?—Yes.

659. You say Mr. Hamilton was the gentleman who assisted you in preparing that letter for "The Times" newspaper?—Yes.

660. Did he also assist you in preparing the second and third letter?—I composed it, and he afterwards looked over it, and made a better thing of it, and I had great confidence in his judgment.

661. Did any other person assist you?—No other person; in the third letter another friend of mine assisted me.

662. Did you consult Mr. Hamilton during any part of the arrangement which you were making with Mr. O'Connell?—Every thing, he was my confidential solicitor and my friend.

663. Was he aware of the whole negotiation while it was going on?—The whole of it, from the very commencement.

664. And when Mr. Vigors and Mr. O'Connell withdrew, did you apply to him upon the subject?—To be sure I did.

665. Had Mr. Hamilton attended the committee every day on your behalf as your friend?—Yes.

666. You said that he declined himself acting as the agent in Parliament, and Mr. Baker being already there, you allowed him to go on?—Mr. Baker on the 5th of August offered to throw up the papers to Mr. Hamilton if I would pay his bill, and I wished Mr. Hamilton to take them up; but Mr. Hamilton said, "I shall not do justice to you or to myself;" and then I requested him to be there as my friend, and he said, "It will be taking money from your pocket;" and I said, "Never mind that;" and he said, "It would be five guineas a-day." I said, "You are worth more than that to me."

667. You have paid Mr. Baker certain sums?—I have drawn in favour of Mr. Hamilton 1,300*l.*, and he pays Mr. Baker, besides the 2,000 which I paid Mr. O'Connell.

668. When was the first application made to you by Mr. Baker for money?—I believe it was about the 4th, 5th or the 6th of August, or thereabout.

669. Was it before or after that interview at which Mr. O'Connell said, according to your account, that all was right?—I must endeavour to recollect.

670. Did Mr. Baker apply to you for any money?—He used to apply to Mr. Hamilton, and not to me.

671. Was that before or after the 4th of August?—I cannot recollect that.

672. Do

672. Do you remember on what day it was that Mr. O'Connell spoke to you at the door?—That was the 4th of August, at the Westminster Club, Alexander Raphael,
Esq.

673. Do you know whether Mr. Baker had made any application for money before that?—No, I do not. 1 March 1836.

674. Mr. Serjeant *Wilde*.]—Who was present at that meeting of the 4th of August, at the Westminster Club?—Mr. Vigors.

675. Any body else?—Nobody else.

676. Are you sure of that?—Nobody else, for Mr. O'Connell went and shut the doors; there were three doors in the room, and there was an inner room, and he went to see whether any body was there, and he shut the two other doors, and we went to the furthest part of the room, and there he sat, and I sat opposite to him.

677. Had you gone there alone?—I went alone, and met Mr. Vigors there.

678. Did you see any friend of yours?—I saw Mr. O'Dwyer in the room down stairs.

679. You went alone there?—Yes.

680. Did any person connected with yourself come there to you while you were there?—No.

681. You went alone, and left alone?—I may have gone with my young friend in my carriage.

682. There was nobody with you?—He may have waited in my carriage for me.

683. So that you were from the beginning to the end alone with Mr. O'Connell?—Yes, with Mr. Vigors.

684. Did the door of the room open into a hall or passage?—It was in the first floor.

685. Did it open into the passage?—It was the back drawing-room, and the inner room was a third room.

686. Then, was the door at which Mr. O'Connell stood when he said it would be all right in three days, opening into another?—No, that was a door opening into the landing place.

687. Was there any person then in the passage waiting for you?—I do not know, we saw no one there.

688. Have you any objection to state who assisted you in the third letter?—I do not think I am justified in stating that; it was not at all of a political character; it was an old friend of mine, that I had known from a child.

[The following Letters were delivered in.]

No. 1.

A LETTER to the ELECTORS of Carlow, by ALEXANDER RAPHAEL, Esq. late M.P. for that County; including his Correspondence with DANIEL O'CONNELL, Esq. M.P.

Gentlemen,—A report having been circulated that, in withdrawing at the time I did from any further opposition to the petition by which Mr. Vigors and myself were removed from the high honour of being your representatives, I had abandoned your interests, and sacrificed, for the present, the independence of your county, I think it a duty to myself, and to you, who so nobly retained me, a perfect stranger, as one of your representatives, to state fully and unreservedly the origin of my connexion with your county, and the circumstances under which I embarked in, and was ultimately and most reluctantly compelled to withdraw from, a contest, before a Committee of the House of Commons.

In making this statement, I shall avoid as much as possible entering into any detail which might admit even of a colourable construction, and confine myself to a publication of that which is incapable of being controverted, with such observations only as appear to me necessary to render the whole transaction intelligible to you; my object being, that those worthy and independent electors who kindly honoured me with their confidence and suffrages should be convinced that I resisted to the utmost the attempts made to deprive a vast number of you of your elective franchise, and that the defeat you and I have sustained was owing to circumstances over which I had no control—to the conduct of others, which

Alexander Raphael,
Esq.

which neither you nor I could have believed possible, and of course could not guard against.

1 March 1836.

Having for many years been ambitious of a seat in Parliament, and knowing the influence which Mr. O'Connell possesses in Ireland, I addressed a letter expressive of such my wish. A petition was then pending against the return of Colonel Beane and Mr. Kavenagh, as your representatives, and on the 27th of May the Committee declared their election void. On the 28th of May Mr. O'Connell called on me at my town residence, and pressed me to become a candidate for the county of Carlow, assuring me that the only risk I could incur would be 1,000*l.* I requested 24 hours' time to consider, and on the following day, at the exact hour appointed, I called at Mr. O'Connell's, and was told by the servant he was not home; in the evening I received the following note, in consequence of which an appointment was made for an interview between us at his house for the 31st of May:—

"My dear Sir,

"9, Clarges-street, May 29th, 1835.

"I remained at home, at some inconvenience, until after the hour I mentioned. I was sorry I did not remain longer, as you called shortly after; but as you left no letter or other indication of acceding to my proposal, I take for granted that you decline my offer—be it so. I only add my belief that you will never again meet so safe a speculation; I am quite sure I never shall hear of one.

"I have the honour to be, my dear Sir, your very faithful,

"Alexander Raphael, Esq."

"Daniel O'Connell."

On the 31st we met, as appointed, and after some discussion he wrote and delivered into my hands this letter:—

"My dear Sir,

"9, Clarges-street, June 1, 1835.

"You having acceded to the terms proposed to you for the election of the county of Carlow,—viz. you are to pay before nomination 1,000*l.*,—say 1,000*l.*, and a like sum after being returned,—the first to be paid absolutely and entirely for being nominated, the second to be paid only in the event of your having been returned, I hereby undertake to guarantee and save you harmless from any and every other expense whatsoever, whether of agents, carriages, counsel, provision against the return, or of any other description; and I make this guarantee in the fullest sense of the honourable engagement, that you should not possibly be required to pay one shilling more in any event, or upon any contingency whatsoever.

"I am, my dear Sir, your very faithful,

"A. Raphael, Esq."

"Daniel O'Connell."

At this meeting I gave Mr. O'Connell the address which I had formerly published to the electors of Westminster, which he promised to alter, and I became a candidate for the high honour of representing you in Parliament.

At a subsequent interview Mr. O'Connell wished me to pay the first 1,000*l.* to his credit with Wright & Co., but I told him I preferred it going through the hands of my solicitor, Mr. Hamilton, with whom I would leave the money. On the 4th of June he sent me the following note:—

"My dear Sir,

"9, Clarges-street, June 4, 1835.

"I have heard from Mr. Vigors this day our prospects are quite bright. I will arrange your address for to-morrow's post, and my own for immediate publication. I at present entertain no doubt of success; you will hear again from me to-morrow. Who is Mr. Hamilton, with whom you have deposited the 1,000*l.*? I do not know any person of that name in London. I hope I shall soon have the pleasure of sitting by your side in the House. Till to-morrow, I have the honour to be,

"Your very faithful servant and friend,

"A. Raphael, Esq."

"Daniel O'Connell."

On the 5th of June I received a note from Mr. Morgan O'Connell, apologising, by his father's direction, for not having written according to his promise, and on the 8th I received the following letter:—

"My dear Sir,

"London, June 8, 1835.

"I sent of yesterday my letter to the electors of Carlow on your behalf; all my accounts confirm my opinion of an easy victory; I doubt whether there will be more than the show of a contest, but I am assured in any event of success. I send you a slip of a Carlow newspaper, showing that you are already nominated under the most favourable auspices. I also send you the draught of an address; I beg of you to peruse it, and to return it to me with any corrections you may deem necessary, or if you approve it, then with your signature: any wish is that you should alter it as little as you possibly can. I also send you a sealed letter from Mr. Vigors. I beg of you to return the address as near to 4 o'clock this day as you can, that I may transmit it to the Dublin Pilot for publication on Wednesday next. All the good men of Carlow see that paper. Let me know who the Mr. Hamilton is with whom you deposited the 1,000*l.*; I expected you would have lodged it at Mr. Wright's. It is time this were done.

"Faithfully yours,

"Alexander Raphael, Esq."

"Daniel O'Connell."

On

On the 10th of June Mr. John O'Connell called on Mr. Hamilton with a note from his father, and received 1,000 *l.*, for which he gave a memorandum. The following is a copy of the note and memorandum:—

Alexander Raphael,
Esq.

" Sir,

" Wednesday, June 10, 1835.

1 March 1835.

" I beg you will hand my son, Mr. John O'Connell, the 1,000 *l.* placed with you by Mr. Raphael for my use. My son will give you a voucher at foot.

" I have the honour to be, Sir, your obedient servant,

" To T. Hamilton, Esq., 2, Henrietta-street."

" Daniel O'Connell."

" I acknowledge to have received 1,000 *l.* by draught on Wright & Co.

" June 10, 1835 "

" John O'Connell."

And on the same day, previous to the receipt of the money, I having communicated to him by a friend of mine, that Mr. Fergus O'Connor called upon me for my decision respecting Carlow, he sent me the following note:—

" It is not my fault that Mr. Fergus O'Connor called on you. Refer him and every body else to me. I want part of the 1,000 *l.* to send over. Have shall I communicate with Mr. Hamilton?

" All well, quite well, in Carlow.

Faithfully yours,

" Wednesday."

" Daniel O'Connell."

On the 15th I received a letter from Mr. O'Connell, with the form of the oath to be made by me as to my qualification, and with directions before whom it was to be sworn; that letter contained these passages:—

" I am glad to tell you that our prospects of success are, I do believe, quite conclusive; if only one liberal is to be returned, you are to be the man. I have made all the pecuniary arrangements, &c."

On the 17th Mr. O'Connell wrote me the following:—

" My dear Sir,

" Wednesday.

" I send you Vigors's letter to me, just received; you see how secure we are. Return me this letter, as it vouchers 800 *l.* for me; with that you have nothing to do, as, of course, I stand between you and every body.

Faithfully yours,

" Alexander Raphael, Esq."

" Daniel O'Connell."

The day after I received the following note:—

" June 13, 1835.

" I inclose you the bulletin of this morning. Nothing can be better. Ever yours faithfully,

" A. Raphael, Esq."

" Daniel O'Connell."

" Mr. Tyrrell did not work with the people at the last election."

I must observe, that though I paid the 1,000 *l.* in cash, I have been informed that the 800 *l.* here mentioned was remitted in a bill at a long date, drawn by Mr. O'Connell upon some persons carrying on business as brewers in Dublin, a circumstance that was not very well calculated to induce the electors, or those to whom the money was remitted, to entertain a very high opinion of my pecuniary means. I have also been informed that nothing beyond the 800 *l.* has been expended or received in the county. What became of the other 200 *l.*, or what would have become of the second 1,000 *l.* in case I had been returned without a contest, or without a petition, it is no business of mine to inquire.

On the 21st of June Mr. O'Connell communicated to me the gratifying intelligence that I had been returned one of your representatives, by the following letter:—

" My dear Sir,

" Clarges-street, half-past 3, June 21, 1835.

" Glorious news! Raphael and Vigors returned on Thursday. I do not know the exact majority, but I know the fact. I heartily congratulate you. My communication is from a Cabinet Minister, but this is private. You can take your seat to-morrow. Ever yours faithfully,

" Daniel O'Connell."

And on the following morning, the 22d, I received this short note:—

" Alexander Raphael, Esq., M.P. Ultimate majority, 56. You are entitled to get your letters free this day."

On the 25th I took my seat in the House of Commons with a full determination to do every thing in my power to redress the grievances under which Ireland, and in particular its Catholic inhabitants, had so long suffered; but at the same time equally determined to act as became the independent representative of so large and influential a body of electors as those who had honoured me with their confidence and suffrages.

On the 3d of July a petition was presented against the return of Mr. Vigors and myself; and it is important to bear in mind that it was evident, from the allegations contained in it, that his and my right to the seats would be decided on a scrutiny; hence the necessity for an immediate and active investigation into all the votes on both sides, and for measures being taken to defend those seats and your rights before a Committee of the House of Commons.

Alexander Raphael,
Esq.

1 March 1835.

On the 16th or 17th of July the petitioners perfected the necessary recognizances, and on the latter day I received the following letter:—

"My dear Sir,

"Send to Mr. Baker* the particulars he wants of your qualifications. I will stand between you and him for all expenses. I promised you, and repeat distinctly my promise, that upon payment of the second 1,000*l.*, to which you are at all events engaged, no demand shall be made upon you for one additional shilling. Do, then, at once pay the other 1,000*l.* into Messrs. Wright's to my credit. Confer with Mr. Baker as to his defence as much as he chooses. I am bound to indemnify you from all expenses beyond THAT 1,000*l.*—that is the second sum.

"Alexander Raphael, Esq."

"Believe me to be, very faithfully yours,

"Daniel O'Connell."

On the 28th I received this note from Mr. O'Connell:—

"My dear Sir,

"You did not say to whom I was to apply for the second sum of 1,000*l.*, according to our arrangement. It is necessary—absolutely necessary—it should be paid *this* day. Let me know at once who is to give it to me. I have a note from Vigors, to whom I am pledged, pressing me on this subject. I, of course, am bound to him for the money.

Faithfully yours,

"A. Raphael, Esq."

"Daniel O'Connell."

On the following day I informed Mr. O'Connell by note that my solicitor, Mr. Hamilton, would be in Henrietta-street, and requested him to call on him. This he did not do, but sent his son, Mr. John O'Connell, to whom Mr. Hamilton stated that my understanding of the original engagement between us, in which he fully coincided, was, that the second 1,000*l.* was not to be paid until the seat was safe. This Mr. John O'Connell promised to communicate to his father, from whom I received on the night of that day, on my return from the House of Commons, the following letter:—

"Sir,

"I can hardly restrain my feelings at hearing that you shrink from performing your engagement with me. Rely on it you are mistaken if you suppose that I will submit to any deviation from our engagement. I say no more at present, in the hope that there may be some mistake, which you will INSTANTLY do away; there can be no mistake on my part.

"9, Clarges-street, July 27, 1835.

"I am, in the mean time, your obedient servant,

"Alexander Raphael, Esq."

"Daniel O'Connell."

My first impression on reading this very extraordinary epistle, to say the least of it, was to abandon my seat at once; but on further reflection, and after advising with my friends, I determined to submit for the time to the insult thus offered, and by paying him the second 1,000*l.* to remove from Mr. O'Connell all possible pretext for the non-fulfilment of the engagement on his part. Accordingly, on the next day I sent him this reply:—

"Sir,

"I deny most positively that I have in any respect shrunk from performing my engagement with you. On the other side you will find a copy of the letter you gave me (viz. that of June 1.) You must recollect the conversation we had prior to that being written. My understanding at that time was, and ever since has been, that I was to risk only 1,000*l.*, and that the other 1,000*l.* was to be paid only in the event of the seat being secured; you, it seems, put a different construction on it; and, as I protest, we both wish only what is right, I would suggest that the question should be decided by some mutual friend. In the mean time, to prevent all possibility of doubt as to the good faith on my part, I have authorized Mr. Hamilton to pay the 1,000*l.* In conclusion, it pains me to say that the tone of your letter was quite unwarranted by any thing on my part.

"Great Stanhope-street, July 28, 1835.

"I am, Sir, your faithful and obedient servant,

"To Daniel O'Connell, Esq."

"Alexander Raphael."

On the same day, viz. July 28, Mr. John O'Connell received the second 1,000*l.*, and half an hour afterwards the ballot took place and the committee were nominated.

On the 31st a letter was put into my hands as I was going into the House of Commons, to be delivered to Mr. Vigors, who afterwards informed me it was from the agent, and was a very important letter; to which I replied, that I had nothing to do with it, and referred him to Mr. O'Connell. What the contents or purport of it was I did not then know, but have since been informed that it contained a statement of the probable expenses that would be occasioned by the scrutiny.

On the 2d of August I met Mr. O'Connell by appointment at his house, when he made many violent observations on what he called the partial conduct of the Tory committee, and stated that he would wait until two votes were disposed of before he determined what course he would take; but not one word fell from him on this or any other occasion, intimating that the opposition to the petition was proceeding at my expense. I could not, however, from

* The agent employed by Mr. O'Connell.

from certain expressions used by him, but entertain doubts that it was his intention not to carry on the contest much longer, and that he would avail himself of the first plausible opportunity of withdrawing from it. In this I was confirmed by the receipt, on the following morning, of a letter from that gentleman, containing something in the shape of an offer or proposition so extraordinary and unexpected that I really knew not what to make of it, except, indeed, to prepare for and reconcile me to his then intended breach of engagement, and to induce me to believe that it was not only his desire to make some atonement for the consequences of such an act, but that it was in his power to compensate me in some other way for the loss of my seat, which was now reduced to a certainty, so far at least as depended on him for his pecuniary or other support. But as this letter was marked "strictly confidential," I am not now disposed to allude further to its contents, but am ready to publish it and my reply, if Mr. O'Connell will permit me, to make this narrative complete: suffice it therefore at present to say, that I was not to be blinded or duped by this attempt "to blancey and hambug me;" and only now quote the following extract from that reply:—"I rely, however, on your fulfilling your engagement with me to secure my seat, if possible, by fighting the battle so long as a bad vote for the petitioners remains on the poll, or at all events to the end of the present session. To allow 56 of our votes to be struck off would leave fearful odds to contend with on a future vacancy."

Alexander Raphael,
Esq.
1 March 1835.

On the 4th of August, Mr. Vigors, Mr. O'Connell and myself, met by appointment at the Westminster Club, and I was then informed that the committee had that day struck off the first vote. This, of course, led to some discussion, when I learned, for the first time, to my very great surprise that Mr. Vigors had not contributed, and would not contribute one shilling towards the defence of the seats!!! Mr. O'Connell left it beyond doubt that he did not intend any longer to defend the seats, consequently there was no alternative but for me, after having advanced the 2,000*l.* in the confidence reposed in a brother Catholic, either to fight the battle single handed, or to abandon at once all further opposition, and give the seats at once to Colonel Bruen and Mr. Kavenagh. Placed in this very embarrassing predicament, I determined, at all events, to continue the opposition for a day or two, to give me an opportunity of conferring with my friends. Hitherto I had not been consulted either directly or indirectly, and had not taken any part in getting up the case on the part of the sitting members. O'Connell had been retained and an agent appointed, of whom I knew nothing, without any communication with me. I was of course in entire ignorance of the merits of the case on the part of the petitioners, as well as of the sitting members; but had been assured there were more bad votes on the part of the petitioners than of the sitting members; and that the same evidence, as to value which would disqualify the latter, would in its turn apply to the former, and that little doubt existed of the petitioners being defeated. To have abandoned the contest would not only have given the seats to Colonel Bruen and Mr. Kavenagh, but would have enabled them to prosecute the scrutiny on their part as long, and in any way they pleased; and in the absence of opposition they could not have had any difficulty of striking off nearly the whole of the votes they had objected to (upwards of 200), which would have given them such a decided majority as would have rendered my opposition at a future election unavailing, until another registration had taken place. I resolved, therefore, not to allow the county to be left in that predicament without a struggle, and relying on the assurance that our case was good, I went on with the opposition, but in the mean time addressed this letter to Mr. O'Connell, which he thought it prudent not to reply to, or take any notice of:—

"My dear Sir,

"Great Stanhope-street, August 5, 1835.

"I cannot express how deeply I feel in being left by you in the painful dilemma either of running away from the fight, with a majority of 56 in our favour, or to commence from to-morrow an expensive and uncertain contest, without a single expense from my colleagues. I have, however, by the advice of my friends, determined to continue the contest for a day or two longer, reserving always to myself, if necessary for the vindication of my character towards my constituents of Carlow, any other mode of proceeding which I may be advised to adopt. I therefore once more call upon you, as an act of justice to me, to fulfil your engagement, as you must be convinced (and you have repeatedly declared*) that I have acted throughout the transaction in the most honourable manner towards you.

"I am, my dear Sir, your faithful and obedient servant,

"Alexander Raphael."

On the following day I had an interview with Mr. Baker, the Parliamentary agent before-mentioned, who had been employed by some one, and I naturally infer by Mr. O'Connell, certainly not by me, or with my knowledge, who stated, however, that he had nothing to do with Mr. O'Connell, but looked to me, and me only, for the expenses of opposing the petition.

The scrutiny continued until the 17th of August, when the petitioners having struck off 105 votes, and thus converted our majority of 56 into a minority of 49, declared their case for the present closed, reserving to themselves the right of going on with their objections to the remainder of our votes, in case we should strike off a sufficient number of theirs to turn the majority.

In

* In the presence of Mr. Vigors.

Alexander Raphael,
Esq.

1 March 1836.

In order to render the cause of our defeat intelligible to you, it is necessary I should state, the committee, on the commencement of the investigation, came to the resolution that the votes *objected to before the revising barrister in 1835*, should be first inquired into: it became essential therefore, in the first instance, to give some evidence that the persons whose votes were now sought to be impeached had been then objected to, and on the part of the counsel employed by some one, but certainly not by me, to oppose the petition; it was insisted that *strict proof* should be given that specific objection was taken to each individual as he came up to register, and that it was not sufficient to show that a general objection was taken by cross-examination of the party. This evidence the petitioners were, fortunately for them, and unfortunately for us, enabled to give in every case by means of a very active and intelligent agent, who had attended the registry, and who produced the book in which he at the time made memoranda of his objections. When the counsel employed on behalf of Mr. Vigors on myself required our opponents to go into this minute proof, they must, I presume, have been instructed that we should be in a situation to give similar evidence, when called upon to support our objections to the votes of our opponents.

Whether they were so instructed or not I know not, but when it came to our turn to prove our case, we had, sure enough, the revising barrister, one of the counsel, one of the agents, and several other persons, all of whom could speak to the general nature of the objections, but not one of whom could particularize more than about a dozen individuals to whose right of voting any specific objections had been taken, and even about those they could not speak with certainty. A book had indeed been kept at the time of the registration, which, if produced, would have enabled the agent to give the requisite evidence; but owing to some unaccountable blunder the party who was known to have possession of it was not summoned, but remained quietly in Carlow. Counsel, it is true, attempted to support three or four objections, but being required to give the same kind of evidence which had been required of our opponents, and which they had in consequence given, we, to use a law phrase, immediately "broke down." To have continued the contest longer under such circumstances, would have been not only unavailing, but might have indeed the committee (several of whom were smies) to have voted the opposition frivolous and vexatious. I therefore, under the advice of our counsel and agent, determined to offer no further opposition, and in so doing I trust you will think I have made out a sufficient justification, and that so far from in any way sacrificing your rights or abandoning your interests, I have done every thing in my power to preserve and protect them, and that I have not in any respect forfeited that confidence which you were pleased to place in me when an entire stranger to you, and which, I flatter myself, you will on some future occasion again honour me with.

I am aware that in thus making public what has passed between Mr. O'Connell and myself, I shall expose myself to that person's customary and vindictive abuse and calumny; but I feel that the liberal electors of Carlow are nevertheless entitled to this explanation, and if any thing he can do, or leave undone, can after recent disclosures surprise his fellow countrymen, it will be that he has never had the good feeling or decency to express, on any occasion, either by letter or otherwise, one word of regret for what has occurred, or at the untoward termination of what he was pleased to designate as a safe "*speculation*" in which I embarked under a perfect reliance on his honour, patriotism and integrity, and under the circumstances in part before detailed.

That I may not do him an injustice, it is but fair that I should, in conclusion, observe that the second sum of 1,000*l.* has been accounted for by his paying in cash 350*l.* to Mr. Baker towards the law charges, and after repeated applications made for the balance, by giving him a bill for it at a long date, drawn by Mr. O'Connell himself on the self-same brewers as the 800*l.* before alluded to was drawn on.

Such, Gentlemen, has been the conduct of the individual who, in his letter recently addressed to the Duke of Wellington, with his usual modesty, thus speaks of himself—

"The Irish nation know me to be sincere and honest; they confide in my moral courage and indefatigable perseverance."

This, Gentlemen, may be your opinion; it most certainly is not mine.

With many and grateful thanks to you for your exertions in my favour,

I have the honour to be, Gentlemen,

Your faithful and obedient servant,

Great Stanhope-street, October 20, 1835.

Alexander Raphael.

To the ELECTORS of the County of Carlow.

1 March 1836

Gentlemen,—Mr. O'Connell, in a letter addressed to the "men of Westminster," has had the daring effrontery to repeat, in a more offensive manner, and to attempt to justify, the foul and opprobrious epithets contained in his former calumnious reply to my address to you of the 20th of October.

It was my determination, as stated in my letter of the 13th of November, not to take any further notice of Mr. O'Connell's seditious assertions, but to wait patiently until an opportunity was afforded before a competent tribunal of refuting his denials, and of proving, by indisputable evidence, that the statements contained in my address were, each and every of them, in substance, if not to the very letter, correct.

There is, however, a point beyond which it is impossible for human nature to endure unprovoked calumny; and to submit longer in silence might be construed into an admission on my part that Mr. O'Connell's assertions are founded in fact.

It may be mighty convenient for him to talk about "the privacy of confidence being violated, and private letters published and misapplied," but whose fault is it—and how stands the case between us on this point? We entered into an engagement binding in honour on us both. I performed my part; he forfeited his written guarantee. I had no redress, and the only satisfaction I could have was by making the whole transaction public, to "preclude him from ever deceiving any one else again."

Had Mr. O'Connell fulfilled his contract, and I had divulged either the conversation or the letters that had passed between us, "I admit, I fully admit," I should have richly merited the epithets he has bestowed; but when he basely abandoned his engagement, am I to be debased the privilege of proving, from his own communications, that my charge against him was well founded?

I hold it to be an incontrovertible axiom in the laws which regulate the proceedings between man and man in affairs the fulfilment of which depends wholly on the honour of the parties, that, so long as both of them perform the compact they have entered into, so long every thing that passes between them of a confidential nature is to be held sacred; but that whenever either of them violates his part of the engagement, from that moment every obligation of secrecy is by him discharged, and all that has occurred becomes the property of the aggrieved person, to be by him used in any manner that circumstances may require, either in vindication of his own character, or in support of any charge he may feel compelled to make against the violator of the contract. If such were not the rule by which the conduct of mankind was governed and controlled, vast indeed would be the advantage which the knave would have over the unsuspecting and honest man; the former would only have to delude his victim by plausible pretences and promises, and, by marking them "confidential," preclude his kowery from being established, whenever it suited his purpose to abandon or betray the party who had relied on and confided in his honour.

Away then, I say, with all the cant and hypocrisy about breach of confidence: whatever implied understanding might have been supposed to exist, that the communications between Mr. O'Connell and myself were confidential, has been put an end to by Mr. O'Connell, who, by his previous conduct, justified me in the course I originally pursued; and as he still persists in his atrocious attacks on my veracity, I feel myself fully warranted in publishing the private letter alluded to in my former address, of which Mr. O'Connell has, for obvious reasons, thought it most prudent not to take the slightest notice. I shall, however, refrain from doing so for the present; but if he has the hardihood to again give utterance to his vile slanders on my personal character and credibility, I will at once put to the test his veracity, and, by the production of that letter, give him an opportunity of proving, either that he had sufficient authority for making the unsolicited and unlooked-for communications to me, which in that letter he represents he had, and of explaining whether it was in consequence of his being called on to account for, and refund, the second 1,000*l.*, or for what other reason, that the allurements he then held out were not realized—or, if he cannot prove this satisfactorily, to convict him by his own handwriting of being little better than an impostor, and one on whose word no reliance is to be placed.

In my former address I studiously avoided entering into any detail which might admit even of a colourable contradiction. My statement consisted of facts proved under Mr. O'Connell's handwriting, with the exception only of the last paragraph, relative to his application of the second 1,000*l.*; this is the only part of my letter which he has ventured to contradict, and in so doing, he now avers that in seven lines I have published no less than six "distinct, direct and wilful falsehoods." In his first letter he enumerated only five; like Palstaff's slain, the inventive genius of this "fabulous" increases the number each time the tale is told—how he makes out the sixth I know not, unless it be that he reckons his own assertion one.

That I may not even now do, Mr. O'Connell any injustice, I will here insert that paragraph and his reply to it.

My statement was, "That the second 1,000*l.* had been accounted for by his paying in cash 350*l.* to Mr. Baker, and after repeated applications made for the balance, by giving him a bill for it at a long date, drawn by Mr. O'Connell on the same brewers as the 800*l.* before alluded to was drawn on."

Mr. O'Connell's

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Mr. O'Connell's assertion is, "that it is false that the 1,000 *l.* was accounted for in the way stated; that he never paid 350 *l.*, or 1*l.*, to Mr. Baker; that Mr. Baker, nor any other person, ever applied to him, or had any occasion to apply to him, for the balance; that he never gave Mr. Baker a bill for any sum upon any brewer or brewers, or any bill at any date; that neither the 800 *l.*, nor any part of it, was paid to any person by a bill drawn on any brewer, and that he never in his life drew a bill on any brewer."

Now, gentlemen, it is possible that Mr. O'Connell may not with his own hands have either paid to Mr. Baker 350 *l.* or delivered to him a bill for the balance; but this I know, that Mr. O'Connell received from me 1,000 *l.* in cash; that he had referred me to Mr. Baker as his agent, between whom and me he would stand for all expenses. It is admitted that 350 *l.* was paid to Mr. Baker by some person or other, and I naturally inferred either by Mr. O'Connell or by his direction. Be that as it may, I was repeatedly told, and so was my solicitor, during the proceedings before the committee, that several applications were made to Mr. O'Connell for the balance, that he at length did account for it, by giving a bill at a long date on the same firm on whom the former bill was drawn (said to be brewers in Dublin); that that bill was handed over to Mr. Baker; that on remonstrances being made against this mode of accounting for what had been received in cash, it was stated that Mr. O'Connell had added the interest and discount to the amount due, and that, as the former bill had been discounted, there would be no difficulty in getting this also discounted, and that ultimately Mr. Baker took the bill and agreed to consider it as cash.

Whether the whole of this be "pure invention or wilful falsehood," I neither know nor care. I originally stated it, and now repeat it on information given at the time by authority which neither myself nor my solicitor had any reason to doubt or suspect, and which, I believe, not even Mr. O'Connell himself will venture to impugn.

Whether, therefore, the representations now made by Mr. O'Connell, or those communicated to me in August last, be the correct ones, I know not. They cannot both be true, and they are none of my fabrication.

Mr. O'Connell asserts, that he acted throughout the business on behalf, and as the trustee, of Mr. Vigors, and that I knew it: this I distinctly and positively deny; indeed, so little did I suspect that such was the case, that at the meeting on the 4th of August I told Mr. O'Connell that so secret had I kept every thing that had passed between us, I had not even mentioned to Mr. Vigors one word about the terms or nature of our engagement; and in confirmation of my statement I appealed to that gentleman, who instantly stated it was true; and Mr. O'Connell then observed that my conduct throughout had been highly honourable. How, then, is it possible that I could have suspected, much less known, that Mr. O'Connell acted as the "surety" and agent only for Mr. Vigors? Such a circumstance was never stated to me, and I never heard of it until I read Mr. O'Connell's letter. Indeed his correspondence with me proves throughout that such was not the fact.

There is another subject to which I ought to advert. Mr. O'Connell in his last address accuses me of "having deluded him into a mistaken opinion of entertaining honest opinions in politics." I utterly deny that I practised any deception upon him on this or on any other point; on every division that took place during the short time I had the honour of a seat in Parliament I voted with the Government, and I would have supported every useful measure of economy, retrenchment and reform, which might have been brought forward. If Mr. O'Connell fancied that I would go beyond this, and vote for every measure which he might think proper to propose, whether I approved of it or not, he had indeed deluded himself into a mistaken opinion of what would be my conduct; and he would have found that, on all such occasions, I should have acted as became the really independent representative of the county of Carlow.

Gentlemen,—I am well aware that in thus venturing to continue a controversy with Mr. O'Connell I labour under almost insurmountable difficulties—that I am no match for him in the use, or rather abuse, of the English language, and that I subject myself to all the venom and rancour which his malignity and disappointment can give vent to. I console myself, however, with the reflection that "*Magna est veritas, et prævaleret*," and that I have done some service to the public by exposing the double-dealing of this agitating mendicant.

I have now done with Mr. O'Connell. His conduct has compelled me to make these transactions public, and I appeal with confidence to the judgment of every honourable and impartial mind whether I am not fully justified in so doing; and whether his elegant epithets of "indescribable vagabond," "faithless creature," and "mighty great liar," instead of being referable to me, may not with more justice, propriety and truth, be applied to a certain other individual? Ben Jonson certainly foresaw this man when he described one who—

"Gives farried counsel, takes provoking gold
On either hand, and puts it up.
Of so perplex'd a tongue,
And lead withal, that would not wag, nor scarce
Lie still without a fee."

I remain, Gentlemen, your most obedient and obliged servant,
Great Stanhope-street, Jan. 17, 1836.

Alexander Raphael

Thomas

Thomas Hamilton, Esq. called in; and Examined.

689. Sir Frederick Pollock.]—YOU are a solicitor, and partner in the house of Few, Hamilton & Few?—[*am.*

*Thomas Hamilton,
Esq.*

690. How many years have you been a solicitor?—About 25 years.

691. How long have you known Mr. Raphael?—Five or six, or six or seven years.

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692. Are you generally his attorney, or have you been only acting for him in this matter?—I have only acted for him in some Parliamentary business, and also in the defence of an action that was brought against him.

693. Did he communicate with you upon the subject of his becoming a candidate for the county of Carlow?—He did.

694. Were you aware of the terms upon which he was to become a candidate?—Only from what he told me.

695. Did he show you Mr. O'Connell's letter?—He did.

696. Did he at any time deposit 1,000*l.* in your hands?—He did.

697. Do you remember upon what day?—I have not the date, but it was in June.

698. Have you the check here?—I have the check I paid, but not the check I received.

699. He paid you 1,000*l.* by a check?—He did.

700. Did any body apply to you for that 1,000*l.*?—Mr. John O'Connell.

701. On what day?—The 10th of June.

702. Is that the letter that was brought to you from Mr. O'Connell?—It is.

703. Did you give any check to Mr. John O'Connell in consequence of that letter being presented to you?—I did; I gave him that check.

*[The Witness delivered in the same, being a check upon Wright & Co. for 1,000*l.* dated 10th June 1835.]*

704. Did you take from him the receipt or acknowledgment which is at the foot of that letter, *[a letter being shown to the Witness]*?—I did.

705. Subsequently to that, did Mr. Raphael ever deposit with you another 1,000*l.*?—He did.

706. Do you remember about what day?—It was in July, but I have not got the day.

707. Did you pay the second 1,000*l.* to any body, and whom?—I paid it to Mr. John O'Connell.

708. Have you the check here?—I have. *[The Witness delivered in the same, being a check upon Wright & Co. for 1,000*l.* dated 28th July 1835.]* He called on the 27th, and I did not pay it then, in consequence of a conversation that we had; he called on the following day.

709. What conversation was that?—I alluded to the conversation I had with him when he came for the first 1,000*l.* as to the period when the second 1,000*l.* was payable for.

710. Will you tell the Committee what the conversation was when you paid the first 1,000*l.*?—When he came for the first 1,000*l.*, I was desirous, at Mr. Raphael's request, of ascertaining what the interpretation of that statement in the guarantee, as to the petition, was; whether the second 1,000*l.* was to be payable until after the seat was positively safe, or till after the return; and therefore I asked Mr. John O'Connell, having first stated to him, "I suppose you know the purpose for which you come?" I said, "Of course the second 1,000*l.* is not to be payable until after the seat is safe;" his answer was simply, "I presume so." I then asked him what was meant by a nomination in Ireland, as the first 1,000*l.* was expected to be payable then in Ireland; I wished to understand whether it was as in this country, a county meeting at which the candidates were nominated; he stated, "No, what was considered nomination there, was a person being put forward as a candidate at a meeting of his friends;" he stated, that Mr. Raphael had been so nominated

Thomas Hamilton,
Esq.

1 March 1836.

at a meeting of the electors in Carlow. With that explanation, I then gave him the check for the 1,000*l*. When he came on the 27th of July, I told him that Mr. Raphael's impression and mine was, from the construction of that guarantee, that the second 1,000*l*. was not payable until the seat was safe. He stated that he must speak to Mr. O'Connell.

711. And you did not pay him the 1,000*l*?—I did not pay him the money on that day. He came again on the 28th, with a note from Mr. O'Connell, which in fact he had brought on the preceding day. I made some observations to him, but from the time that he came into the room till the time he went out, he never opened his lips; he moved his head in answer to my observations, and I gave him that check on the 28th of July.

712. Then, on the second occasion, when you gave him the 1,000*l* he merely moved his head, and said nothing?—He said nothing.

713. That was the 28th July?—Yes.

714. At what time of the day was it?—About three o'clock, or between three and four in the afternoon.

715. Did you attend the Committee on the Carlow election from the time that it began to sit?—No.

716. Were you ever there until the beginning of August?—No.

717. When did you first go there?—It was either the 6th or the 7th of August, but I believe the 7th.

718. How came you to attend then?—In consequence of Mr. Raphael calling upon me after the meeting, which he said had taken place at the Westminster club on the 4th of August; he called, I believe, on the following day, to request, as he was left to defend the seats himself, and as he knew nothing of Mr. Baker, who was employed as the agent, he wished me, as his professional adviser, to undertake the defence of the scrutiny, which I declined. A meeting, I believe, was appointed for the following morning to see Mr. Baker upon the subject, and they met at my office; a good deal of conversation took place at that time, and I was again requested to undertake the defence of Mr. Raphael, which I again declined, as I would not undertake the responsibility at that period of the investigation, and Mr. Baker was requested to continue it. Mr. Raphael subsequently intreated me to attend the Committee; I told him that it was perfectly useless, that I knew nothing either of the merits or demerits of either party; he stated that he knew nothing of any person; that he had no confidence in those who were conducting the case, and that he would with pleasure pay my fee if I would merely watch and report to him what was done. He stated that unless I was there, or some person in whom he had confidence, that he thought his doctor's charge would be more than my charge against him.

719. You allude to his anxiety?—Yes; and in consequence of that I did attend.

720. How many days did you attend?—From the 7th to the conclusion.

721. Do you remember how many votes were struck off at once; were there any number of votes struck off?—One day there was, at the latter end of the scrutiny, 60 or 70, of what they called Mr. Vigors' tenants.

722. Then the matter became perfectly hopeless?—Perfectly; we attempted a defence after that.

723. For how many days?—For two days, or three days; but our own witnesses broke down.

724. Did you pay any money, or were you applied to to pay any money on behalf of Mr. Raphael?—Mr. Baker applied for money.

725. When?—I think soon after I first saw him; after our meeting he applied for money, probably the following day.

726. When?—Probably the 5th, 6th or 7th of August.

727. Had you learnt from him what he had received?—I do not know that I did at that time.

728. What did he apply for?—Five hundred pounds.

729. Did

729. Did you give him that?—I gave him 500*l.* on the 8th of August.

730. Have you the cheque here to produce?—I have.

[*The Witness produced the same, being a cheque upon Wright & Co. for 500*l.*, dated 8th August, 1835.*]

Thomas Hamilton,
Esq.

1 March 1836.

731. Did he afterwards make any further application for money?—He did.

732. When?—During the progress of the scrutiny he repeatedly applied for some more money.

733. How many payments did you make to him?—The next sum I paid him was on the 15th of August, 500*l.*; I thought that I had the cheque with me; I did not pay him any more, but I paid some of the witnesses whom he refused to pay.

734. Did you ever learn from Mr. Baker what he received?—Yes.

735. How much?—Three hundred and fifty pounds.

736. Did he ever give credit for a larger sum?—I never got his account.

737. Have you received his account to this day?—No; I have repeatedly applied for it; I wrote to him repeatedly in consequence of what passed respecting some bills; the difference between 1,000*l.* and 350*l.*

738. You say you wrote to him?—Yes.

739. What in the whole did you pay to him?—One thousand pounds was what I paid Mr. Baker.

740. What else did you pay?—I paid Mr. Robinson 146*l.* 4*s.* 8*d.*; and I paid Mr. Stephens, the attorney, for two other witnesses, 86*l.* 6*s.*

741. What is the total amount?—Including the two sums to Mr. John O'Connell, the total that I have paid was 3,233*l.* 10*s.* 8*d.*

742. When did you first learn from Mr. Baker any thing about giving credit for the difference between the 350*l.* and the 1,000*l.*?—As I stated before, I repeatedly applied to him to know what sums in cash he intended to give credit for; I wanted to know whether the bills that I had heard so much about were taken by him as cash or not; and ultimately I got a letter which Mr. Raphael, I believe, has in his possession.

743. Have you got it?—[*Mr. Raphael*].—I have got it.

[*Mr. Raphael produced the same.*]

744. Is that the letter?—That is the letter.

[*The letter dated the 11th of September 1835, was delivered in and read, as follows:*]

Dear Sir,—I very much regret the delay in sending in the account, but having several others more pressing to attend to, I hoped the delay of a few days would not be inconvenient to you or the Sheriff. I will send the account to your office in the course of a few days.

I intend to give credit for 2,000*l.*, charging thereout the payments to Witnesses, &c., the receipts for which I hold. You are aware that of this sum I had about 679*l.*, or thereabouts, in bills, which there can be no doubt are good, and will be duly met, including these and every other sum to be credited: the amount will be 2,000*l.*

Yours faithfully,

Thomas Baker.

T. Hamilton, Esq.

745. You say you have not got any account from that day to this?—I have not.

746. Have you any means of knowing in what way the money has been actually expended?—He furnished an account of the expenses of witnesses, but not any thing like the 2,000*l.*

747. What was the amount of the expenses of witnesses?—[*Mr. Serjeant Wilde*]. You had better produce the account?—If I have the account I will produce it. This, I believe, is it, 1,001*l.* That is it.

Thomas Howlton,
Esq.
1 March 1836.

748-9. *Sir F. Pollock.*—When was it delivered?—It was during the scrutiny, I think, but I do not know, it was most likely when he was applying for further advances, because I refused to pay him farther money.

750. *Chairman.*—It was a rough statement?—Yes, it was to show that he was entitled to money.

[*The same was delivered in, and read, as follows:*]

CARLOW ELECTION PETITION.

Paid Witnesses as follows, 19th August 1835:

Seventeen Witnesses, at 30 <i>l.</i> , as per agreement.	Thomas Ban-	£.	s.	d.
bury, Pat Clerory, Danby Donohoe, Thomas Donohoe, J. Maher,				
Michael Byrne, Edward Nowlan, James Hughes, Robert Han-				
lon, Michael Hackett, Michael Dowling, Edward Fitzgerald,				
John Kehoe, Michael Rosch, Ambrose Doran, Michael Kissells,				
Rev. John Kehoe		510	-	-
Mr. George Robinson, Registering Barrister	-	120	15	-
Mr. P. M. Murphy, Barrister	-	49	15	-
Mr. Campion, Solicitor	-	44	-	-
Mr. John Edge, taxed 70 <i>l.</i> 11 <i>s.</i> , taxing 10 <i>l.</i>	-	71	1	-
Mr. J. S. Rockfort	-	25	-	-
John Clonry	-	15	-	-
John Maurice	-	13	-	-
Henry Carey	-	22	9	-
Henry Timmins	-	15	-	-
John Donohoe	-	15	-	-
Paid expenses of Witnesses valuing in eight Baronies in Ireland,				
to station votes and support objections to votes		100	-	-
Ditto - loss of time, cars and incidental expenses, per receipt				
of Mr. Fitzgerald				
	£.	1,001	-	-

That with respect to Mr. Robinson was only a calculation, because I paid him afterwards myself.

751. How much of this did you afterwards pay yourself?—What I put down here for Mr. Robinson, 120*l.* 15*s.* I afterwards paid 146*l.* I believe that is the only one that I paid.

752. During any part of this matter did you ever see Mr. O'Connell himself?—I saw him one day for about five minutes in the committee-room adjoining where the committee sat.

753. What day was that?—It was very near the close of the scrutiny.

754. Was it after you had begun to attend?—Yes, long after.

755. Did you not see him before that?—No.

756. Did you ever see Mr. Vigers?—Never till I attended.

757. You are aware of a statement that appeared in The Times newspaper?—Yes.

758. Did you see that before it went to The Times newspaper?—I did.

759. Did you assist Mr. Raphael in putting the narrative together, or in correcting it in any way?—I did.

760. Did any one else to your knowledge?—Not that I know of.

761. Had Mr. Raphael at that time copies of his letters to Mr. O'Connell?—Yes.

762. Have you seen the publication in The Times newspaper, so as to be able to state whether the publication corresponded with the copies of the letters that you saw at that time?—No doubt about it.

763. Mr. O'Connell's own letters, then in his hand-writing you saw?—I saw them all; I copied them every one myself into the original draft statement.

764. And were the answers of Mr. Raphael also copied into the draft statement?—They were.

765. Will you refer to the printed statement, the latter part of the letter which says "In this I was confirmed by the receipt on the following morning of a letter from that gentleman, containing something in the shape of an offer or proposition so extraordinary and unexpected that I really knew not what to make of it, except indeed to prepare for, and reconcile me to, his then intended breach of engagement, and to induce me to believe that it was not only his desire to make some atonement for the consequences of such an act, but that it was in his power to compensate me in some other way for the loss of my seat, which

which was now reduced to a certainty, so far at least as depended on him for his pecuniary or other support. But as this letter was marked 'strictly confidential,' I am not now disposed to allude further to its contents, but am ready to publish it and my reply." Was that letter produced to you at that time?—It was; it was shown to me in strict confidence by him as his professional adviser.

766. There is a passage in the answer, "I only now quote the following extract from that reply, 'I rely, however, on your fulfilling your engagement with me to secure my seat if possible, by fighting the battle so long as a bad vote for the petitioners remains on the poll, or at all events to the end of the present Session. To allow 56 of our votes to be struck off, would leave fearful odds to contend with on a future vacancy'"—Was that part of the copy of the answer before you?—It was.

767. You mention your bills, what do you refer to?—Bills that were said to be given for the difference between the 1,000*l.* and the 350*l.* paid to Mr. Baker.

768. Who mentioned those bills?—Mr. Vigors.

769. When?—During the scrutiny. If you will allow me, I will state the conversation which led to their being mentioned: When Mr. Baker made an application for money, after Mr. Raphael had to undertake the scrutiny himself, he wished to ascertain what had become of the 1,000*l.*, or rather the difference between the 350*l.* which Mr. Baker said he had received, and the 1,000*l.* which he expected to be refunded. He wished me to apply to Mr. O'Connell upon the subject, which I declined, but I suggested to him that either Mr. Vigors or the priests were the proper persons to do so. In consequence of this, Mr. Raphael one afternoon, in the Lobby or place adjoining, after the Committee had broken up, took an opportunity of saying to Mr. Vigors, that the second 1,000*l.* must be accounted for; to which Mr. Vigors assented, and his observation was, "Mr. O'Connell must be spoken to;" and I do not know that any thing further passed then. A day or two afterwards the subject was again renewed to Mr. Vigors, to know whether this money had been forthcoming to Mr. Baker; his answer was, "Mr. O'Connell has been spoken to; it will be all arranged, and the money will be forthcoming." Mr. Baker did not get it, and Mr. Raphael and myself again took an opportunity of mentioning the subject, both to the priests and to Mr. Vigors. Mr. Vigors stated that Mr. O'Connell had drawn bills for the 650*l.*, and that they would be accounted for to Mr. Baker as cash, or that they would be accounted for; I do not think he said to Mr. Baker; I remember we stated we had nothing to do with bills; that we wanted cash, and that they would be accounted for. His observation was, they had been drawn upon the same person as some other bills for 800*l.* had been drawn, and as they had been discounted there would be no difficulty in turning those bills, or this bill, (whichever it was, I do not know whether it was in the singular or plural number,) into cash. I told him that that was a question with Mr. Baker; if Mr. Baker chose to accept those bills as cash, it was perfectly satisfactory to Mr. Raphael. He stated that Mr. O'Connell had added the discount and interest to the bills, and those are the bills which I was speaking of when I wished to ascertain from Mr. Baker whether he had accounted for them as cash or not.

770. When was the earliest date that you mention when this was spoken of?—It would be not, I should think, in the first application for 500*l.*, but before the second 500*l.* was advanced.

771. That was the 15th of August?—The 15th.

772. During all your intercourse with Mr. Vigors, or with any body else upon the subject, whom did you understand to be the principal in the transaction?—From Mr. Vigors's conversation, decidedly Mr. O'Connell; the principal conversation to which I allude, is that which I stated.

773. Mr. Serjeant Wilde.]—Will you state what passed with Mr. Vigors, and not give your impression?—I judged from his saying that Mr. O'Connell must be spoken to, and afterwards saying that Mr. O'Connell had been spoken to, and that Mr. O'Connell had drawn bills for the money.

Thomas Hamilton,
Esq.

1 March 1836.

Mercurii, 2 die Martii, 1836.

MEMBERS PRESENT.

Mr. N. W. Ridley Colborne.
 Lord Francis Egerton.
 Mr. Bannerman
 Mr. Borneby.
 Sir Ronald Ferguson.
 Sir John Yarde Bailie.

Mr. Orde (Newcastle).
 Sir Charles Broke Vane.
 Mr. Warburton.
 Sir Eardley Wilmot.
 Mr. Henry G. Ward.

Sir Frederick Pollock.

Mr. Serjeant Wilde.

MR. NICHOLAS W. RIDLEY COLBORNE, IN THE CHAIR.

Thomas Hamilton, Esq., again called in; and further Examined.

*Thomas Hamilton,
 Esq.*

2 March 1836.

774. *Chairman.*—DO you wish to correct an expression which you used yesterday?—I stated yesterday that Mr. Baker refused to pay two of the witnesses bills; I ought to have added, that it was because I objected to the amount of the charges; it was no refusal on his part.

775. *Mr. Serjeant Wilde*—What is the earliest date of your communication with any person in regard to the Carlow election, except Mr. Raphael, that is, any of the gentlemen connected with Carlow?—I saw no person connected with Carlow till I attended the Committee, in my belief on the 7th of August; till then I knew nothing about it; or rather, two days before I believe I had seen Mr. Baker.

776. Had you had any communication with Mr. Baker, or with any of the gentlemen connected with Carlow, in the earlier part of the year, before the decision upon the petition respecting Mr. Bruen and Mr. Kavanagh?—I had a communication in the month of January, during the January election.

777. With whom?—I saw Mr. Charles Pearson.

778. Did you see any other person upon that subject?—No.

779. During the year 1834 had you any communication with any one upon the subject of Carlow?—No.

780. Had you not had any communication with Mr. Baker, or any other person, whilst the petition against Mr. Kavanagh and Mr. Bruen was pending?—Certainly not.

781. Respecting Mr. Raphael becoming a candidate for Carlow?—Certainly not.

782. Were you aware during the year 1834 that Mr. Raphael was in communication with any person upon the subject of Carlow?—No. If you will allow me I will state all I know of the proceedings. In December I first knew that Mr. Raphael was in some kind of communication about Carlow; it was in consequence of a letter written from Mr. Raphael, who was then at Pomfret, directed to me in Covent Garden; I was then with a friend of mine at Wells, and the letter was opened in my absence. On my return to town I called upon Mr. Raphael, at the Old Bailey; he referred me to Mr. Pearson, with whom I had a little conversation, and he produced a letter from Mr. O'Connell, stating, as far as I recollect, that it was too late for Mr. Raphael then to become a candidate.

783. Be so good as to state the whole of the contents of that letter?—It was not read to me; Mr. Pearson produced it, and I think he did not read it. I think he stated something to that effect, and I did hear what the sum was; but whether it was from Mr. Pearson or Mr. Raphael, I cannot tell; that is, what was stated to be the amount of the probable expenses.

784. Is that all you recollect to have been communicated to you by Mr. Pearson upon that occasion?—Yes; I do not recollect whether he read the passage from the letter, or merely stated that.

785. Do

2 March 1836.

785. Do you recollect the date at all?—I do not recollect whether it was December or January that I called there; it was on my return from Wells.

786. Have you any means of knowing whether, during your absence, there had been any communication with Mr. Vigors or with any other person on Mr. Raphael's behalf?—In consequence of that letter being opened, one of my partners saw Mr. Vigors.

787. That was in December 1834?—Either in December or January.

788. In the month of January or at any time before, were you aware that Mr. Pearson had been in communication with Mr. O'Connell upon the subject of Mr. Raphael representing Carlow?—No, I knew nothing of it till Mr. Raphael referred me to him at the Old Bailey.

789. What were you referred to Mr. Pearson for?—To hear what Mr. Pearson had told Mr. Raphael, for he wished me to hear it myself from Mr. Pearson; if I recollect right, Mr. Raphael told me that Mr. Pearson had not read the letter from Mr. O'Connell to him, and he thought probably he might to me.

790. What application did you make to Mr. Pearson in consequence of Mr. Raphael wishing you to hear what he (Mr. Raphael) had heard. Will you be so good as to state the terms?—I cannot particularly say; I introduced myself as Mr. Hamilton.

791. What was the information which you stated you desired to receive from him?—In all probability I told him that the Sheriff had referred me to him, to hear Mr. O'Connell's answer, or something of that kind; I cannot tell what led to the conversation with Mr. Pearson.

792. Did you make any minute of your conversation with Mr. Pearson?—It was very brief, as he was in attendance at the Old Bailey.

793. But as Mr. Raphael was desirous that Mr. Pearson should repeat to you what he had said to him (Mr. Raphael), did you call his attention to any statement he had made to Mr. Raphael?—I cannot recollect what I said to Mr. Pearson; of course I must have asked him something respecting the communication with Mr. O'Connell.

794. Will you state what you did ask him?—I really cannot tell what I did ask him.

795. What did Mr. Pearson tell you?—He produced a letter; he either read a passage or gave the substance of it; that in consequence of Mr. Raphael's indecision, it was too late for him to become a candidate.

796. But when you state that he read or stated something, will you endeavour to state what; whether he read or professed to be reading any portion of a letter from Mr. O'Connell?—It really made so little impression upon my mind at the moment, that if you ask me which he did, I should say that he did not read the letter, but held it in his hand, and stated that as the substance of what he told me; that is my impression at the moment.

797. Were you desired by Mr. Raphael to make this application to Mr. Pearson before or after he (Mr. Raphael) went to Pomfret?—It was after his return.

798. Was the election at Pomfret then determined?—No.

799. Have you any minutes of your communication with Mr. Pearson or with Mr. John O'Connell, or any other person, upon the subject of Carlow?—No; I am not in the habit of making memorandums of anything.

800. I take it for granted that you do not bear all the attendances for which you are to charge in your memory?—You would think it strange if you saw my book; but you will find no attendances in my book from the beginning to the end, with about half a dozen exceptions.

801. There is then no minute or memorandum made by you relating to your conversation with Mr. John O'Connell?—Certainly not.

802. I have collected from your statements to the Committee, that neither professionally nor under any other circumstances did you attend the last Election Committee until the 6th or 7th of August?—Certainly not; I do not know whether from curiosity I may have looked into the committee, but I have no recollection of it.

803. Not so as to be attending to the proceedings?—Certainly not.

804. Prior to attending on Mr. Raphael's behalf had you attended any consultations with the counsel?—Certainly not.

805. Did you learn from Mr. Baker what had been the course of proceeding

Thomas Hamilton,
Esq.

a March 1836.

in the Committee prior to your attending?—Most likely in conversation; we had a good deal of conversation.

806. Do you recollect whether or not you had learned that the Committee had come to a resolution to open the registry, and to investigate the votes which had been registered?—I did in the course of the scrutiny certainly ascertain that.

807. In what state were the proceedings before the Committee when you first attended?—There was either one or two votes struck off, but I do not know which; two, I believe.

808. Were the Committee then engaged in the question as to the validity of the votes which had been registered; was that the course of the inquiry?—Yes.

809. And one vote had been struck off?—I think two.

810. Did you then assist, in concurrence with Mr. Baker, in the further prosecution of the resistance of the petition?—I attended; I can scarcely say that anything that I did deserved the name of assistance.

811. Did you confer and advise with him, or with counsel, upon the subject?—No, not till, I think, the last two days; I was in conversation with them.

812. Did Mr. Harrison or Mr. Hill continue their attendance after you were in attendance?—I think Mr. Harrison never was in attendance after I was; Mr. Hill was.

813. Can you state how long?—Several days, I think.

814. Have you the means, from any minutes or votes of the proceedings, to furnish the Committee with the number of days that Mr. Hill was in attendance?—No.

815. What other gentleman of the bar was in attendance?—Mr. Howley was in regular attendance, from the Irish bar.

816. To the close?—Yes; in consequence of Mr. Hill's non-attendance, Mr. Pollock was called in.

817. Did you learn from Mr. Harrison or Mr. Hill what opinion they entertained as to the probable result of the petition?—No.

818. From neither?—No.

819. Did you learn from Mr. Baker any opinion which was supposed to come from either of those gentlemen?—I do not think I did; not as the result of any communication from the counsel.

820. The opposition was then prosecuted up to the extent of 100 votes being struck off?—One hundred and five.

821. Can you state how many days before the conclusion of the proceedings that result had been obtained, of striking off 105 of Mr. Raphael's and Mr. Vigers' votes?—Between 50 and 70 of them were struck off the last day of the petitioners' case.

822. Those were struck off upon the question relating to the effect of certain leases that had been granted?—Their having not been six months in possession at the time of the registry.

823. Under those leases?—Yes; one point decided the whole of that class.

824. Had the other votes been struck off upon any general objection, or upon grounds applicable to each individual vote?—As far as I could judge, evidence was given on each side as to the value of the lands they held.

825. On grounds therefore applicable to each particular vote the votes were struck off?—Yes.

826. Have you got copies of your letters to Mr. Baker?—I have got all the copies that were kept; I wrote several notes of which no copies were kept; those are all the copies that I have appearing in our books; there is only one of them that is dated by the day of the month.

[The Witness produced the same.]

Mr. Serjeant *Wilde.*—Some of those may be material to the inquiry; others do not appear to be.

[The Letters were delivered in, and read.]

Thursday, at 11 o'clock.

I have not had the witnesses' account, nor has the Sheriff received any statement how the 1,300 l. has been disbursed; this he requires before he makes any further payment. Let me have this, which cannot take ten minutes in preparing.

Dear

Dear Sir,

It is quite clear the witnesses must be paid the amount certified by the taxing-officer, and if you had sent me the account I wrote for, I would have got some cash from the Sheriff, but without it I cannot ask him; you must, therefore, pay Robinson. I have had an application from Mr. Stevens about Carey's and Edge's charges, and shall probably arrange them with him.

Thursday, five o'clock.

Thomas Hamilton,

Esq.

2 March 1896.

[A Letter, dated Thursday, was read as follows:]

I will forward your statement of expenses to the Sheriff. I understood from Mr. Vigors, that if the scrutiny had lasted until Saturday next the witnesses would not require more than 30*l.* each, but as it has ended four days sooner, some allowance ought to be made.

Mr. Serjeant *Wilde*.]—And then there are remarks upon different witnesses which are not material.

Mr. Vigors stated that Mr. Murphy had come over on his own business. If so, I see no reason why the Sheriff should pay him, particularly as it was represented by several of the party that if he did come it would be as a volunteer.

The Sheriff is, I believe, out of town, and as you are in receipt of 1,300*l.* cash, and bills for 600*l.* odd, and 100*l.* have been remitted to Carlow towards the expenses of these witnesses, you cannot have any difficulty in getting rid of the witnesses. I think, however, you should not pay Mr. Edge or Mr. Murphy without further explanation, and I shall be glad to see you on the subject.

Of course Mr. Howley will not receive more than the agreed 200*l.*

[A Letter, dated 12th August, was read as follows:]

Dear Sir,

I think you had better not send off for the two attorneys without having the sanction of the Sheriff, they cannot be wanted for ten days at soonest. If you have dispatched the summonses, write by post to tell them to wait for further orders. If they have not any memoranda in writing, I doubt whether it is worth being at the expense of having them here at all. And the Sheriff should be at once apprized of the difficulty with respect to the notice, for if the revising barrister cannot produce his book, and prove from that the objection, it appears to me you have no case whatever against the petitioners' voters.

[A Letter, dated Tuesday, was read as follows:]

Dear Sir,

I have received your statement, but cannot understand how Robinson's account, taxed at 120*l.* 15*s.*, can be increased to 148*l.* 6*s.* 8*d.*; he cannot have any right to more than the former sum, and as he was not of the least use, I take it for granted you will not pay more than the law compels us to do.

Pray, however, explain how the difference arises.

[A Letter, dated 24th August, was read as follows:]

Dear Sir,

The Sheriff was with me yesterday, and I suggested to him the propriety of seeing Mr. Vigors, for the purpose of his interference with the witnesses, particularly Mr. Murphy; for on one of our discussions respecting the absence of that gentleman from the Committee, Mr. V. stated distinctly that Mr. Raphael had no right to complain, as Mr. M. was not here as a witness, but on his own business.

I wish you would send in your bill, and every charge respecting this business; it's rather hard on the Sheriff, who has paid 2,000*l.* in cash towards the expenses of this petition, that he should be called on to advance any more cash in consequence of his former payments being converted into long-winded bills. If he will adopt my advice, the whole proceedings should be made public. I will send your note to his house, but know not where he is.

I think you should at once pay Mr. Carey the sum at which his charge has been taxed.

827. Mr. Serjeant *Wilde*.]—These, I understand you, are the only copies you have or notes of the substance of letters sent by you to Mr. Baker?—They are.

828. What was the day the Committee concluded?—I think it was the 19th of August.

Sir F. Pollock.]—It was the 19th.

829. Mr. Serjeant *Wilde*.]—You have produced all the answers that you have in your possession from Mr. Baker?—I have them here; those are all the notes that I can find from Mr. Baker.

[The Witness produced the same. A Note, dated Friday and addressed to Mr. Hamilton, was read as follows:]

o.29.

o.2

Dear

Thomas Hamilton,
Esq.

2 March 1836.

Dear Sir,

I send a list of the fees at The House; I hope to send you the account to-morrow, and will of course give credit for cash and bill received.

[Another Letter from Mr. Baker to Mr. Hamilton, was read as follows:]

Monday.

Mr. Carey's account was reduced, on taxation this morning, to 25*l.* 15*s.* I wait your directions respecting the payment of this account, and also Mr. Robinson, Edge, Murphy, who are clamorous for the money, and threaten J. Hamilton, to take proceedings unless paid. With the Sheriff's directions on this head, send his draft for the amount.

[The next Letter, dated Saturday, was read as follows:]

I wish to know to-day the Sheriff's decision respecting the witnesses Robinson, Murphy, Edge, Carey; the latter has sent me in a bill of 55*l.*, which must be taxed, as he will not accept the sum stated in my account to you. As I stated before, I want the 500*l.* to make the payments. I am informed that Mr. Sheriff Raphael approves of the 100*l.* to valuers, &c. in Ireland, but I wish to have the authority from you.

830. Mr. Serjeant *Wilde*.—These are not pinned up in the order in which they were received?—No, they are not.

831. The next in the order in which they are now arranged, is Tuesday.

[The same was read as follows:]

The witnesses are paid, except Robinson, Murphy, Edge and Carey; these you directed not to be paid till you had communicated with the Sheriff. I hope to send you on Saturday or Monday the petition account. Robinson's account was taxed to-day to 131*l.* odd; Mr. Carey was also taxed a larger sum than I had stated in my account to you as the probable charge.

832. The next is, "I have marked + opposite the names of those witnesses who have been paid;" this, I presume, accompanied the account that is put in?—No, it was one to the same effect.

[The next Letter was read as follows:]

I have marked + opposite the names of those witnesses who have been paid. I attended the taxation of Mr. Robinson's claim, and relied on his agreement to take 100*l.* 15*s.*, but he said, that not being paid at the moment, he was not bound by it, and at all events he was entitled to the days he was detained. The 100*l.* was not remitted by Mr. O'C.; I do not believe he remitted any sum to Carlow.

[A Letter, dated Thursday, was read as follows:]

I send you the account of witnesses' expenses; you will perceive that I will require the 500*l.* to-day. I will wait till I hear from you that Sheriff Raphael approves of the account, before I pay the witnesses for whom no specific sum was agreed on.

[A Letter, dated the 28th, was read as follows:]

In the account sent you some days ago, I put down 120*l.* 15*s.* for Mr. Robinson, as the sum I thought he was entitled to; he, however, went before the examiners, had the claim taxed to 145*l.*; as the certificate is for this sum, I think we are bound to pay it. The counsel's fees amount to about 600*l.*, and, with the other expenses, have taken all the money advanced.

[A Letter, dated the 27th, without the month, was read as follows:]

I have received the enclosed from Mr. Robinson. I stopped paying the witnesses on receipt of your letter not to pay, till I had directions from the Sheriff. At the time the claims unpaid were, Mr. Robinson, Edge, Murphy and Carey; of this I apprised you several days ago; and these claims remain unpaid. The witnesses' account you have already bid, and the petition account I hope to send you on Saturday.

This is the account with the + against it.

833. The account enclosed consists of the names of several witnesses; the account is 1,029*l.* 15*s.* 8*d.*; is this a copy of the account put in yesterday?—No, they do not exactly tally; that is an original account I received, and so was the other.

[A Letter, dated 20th August, was read as follows:]

I send

I send you the account of the 100 £. spent in Ireland, which I understood you to consider moderate. Mr. Edge is a land-agent, and was a necessary witness to produce and prove leases, and thereby show the holdings and rent of the voters objected to; his bill was taxed by the officer. Mr. Murphy was written for expressly, and will expect the usual payment. You will say whether the bills are to be paid, that I may act accordingly; and do you point out such as you think should be reserved for consideration. I will require the 500 £. in cash, as I do not wish to have the bill given me into money till we finally arrange.

Thomas Hamilton,
Esq.

2 March 1836.

[A Letter, dated the 25th of August, was read as follows:]

I enclose a letter I received to-day from Mr. Vigora. Mr. Robinson has obtained an order to tax his costs; it is clear that he and the other witnesses must be paid, and the sooner they are got rid of the better, both in point of expense and character. The Sheriff has nothing to complain of; he agreed and undertook to pay the expense. Whatever cause of complaint he may suppose he has against Mr. O'Connell, should not be mixed up with the petition expenses; thus, he must be aware from the estimate given him, must amount to at least 3,000 £.; so that there is nothing unreasonable in requesting an advance at present of 500 £., particularly as he knows I got bills from Mr. Vigora, and not cash. I will very soon send you in the account, but I want directions about the payment of the witnesses referred to in my note of yesterday, and the cash advanced to do so.

834. Is that the whole of the correspondence between you and Mr. Baker?—Yes, as far as I can find.

835. Was the resistance to the petition ultimately abandoned after advising with counsel?—Yes, it was.

836. Who were the counsel?—Mr. David Pollock and Mr. Howley.

837. Then you had entered upon the case of the sitting Members, and were proceeding to impeach the votes of the petitioners?—We were.

838. Had you struck off any?—No.

839. Do you know what witnesses had been called?—Yes, the revising barrister had been called; and Mr. Murphy, who attended as counsel on the registration, and an attorney of the name of Campion.

840. Had you seen these gentlemen before they were called, or had you had any communication with them?—I had spoken to them when in attendance.

841. How early after you attended had you had any communication with those gentlemen?—After being several days, Mr. Robinson was spoken to, but not in reference to the evidence that he could give, but mere general conversation.

842. How early after you attended the petition, did you have any conversation with those gentlemen upon the subject of their evidence?—I do not know that I had any conversation with any of them till Mr. Murphy came over, which was probably the day before we began our case. I remember having a conversation with Mr. Murphy and Mr. Campion, who came about the same time.

843. How many days were you engaged in the case of the sitting Members?—I do not know whether it was two or three.

844. Mr. Murphy, you say, had come over recently before he was examined?—Yes.

845. Had the other gentlemen been here some time?—Mr. Robinson, the revising barrister, remained here all the time.

846. Had the other witnesses called on the behalf of the sitting Members?—I do not remember that any other witnesses were called on behalf of the sitting Members, for we broke down.

847. Do you know whether any person had communicated with these gentlemen to know the substance of the evidence that they could give?—Not that I am aware of.

848. Am I to understand that the opposition to the petition was continued without any one knowing what was the evidence in reserve to support that opposition?—My own impression was—

849. Tell me what was done?—It is impossible for me to say what was done with the witnesses when I was not present.

850. You did not speak to them upon the subject?—No.

851. Did you understand that anybody else had?—I do not know that anybody else had; I was told throughout that we had a very good case, and were quite sure of success.

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852. Did you as a professional man make any inquiry as to what the case was, and who had examined the witnesses?—I did.

853. Of whom?—Of Mr. Baker; and Father Tyrrell in particular, who seemed to be a very intelligent and active gentleman.

854. Have you any minutes of his statement to you?—No; I will state, if you please, what I did ask him.

855. If you have any minutes, I should be glad to see them?—No, I have none at all.

856. What is the latest date to which you referred as having been told that there was a prospect of success?—Up to the time that we entered upon our defence.

857. Who are the persons that you referred to as having given you that information?—Mr. Vigors, both the Priests, and Mr. Fitzgerald, who was attending here, stated that there were more bad votes on the part of the petitioners than of the sitting Members.

858. What did they say as to the evidence that those bad votes had been objected to at the registry?—It was a question on both sides as to value.

859. The question is whether you learned anything as to the means of proving what bad votes had been objected to at the time of the registry?—Yes, I did; when I found that that was a point that was insisted upon on the other side, I asked them what means they had of giving the same kind of evidence that had been given on the part of the petitioners.

860. When did you ask them?—When it was getting towards the period of our commencing the defence.

861. Whom did you ask?—Most likely Mr. Tyrrell or Mr. Vigors.

862. Can you state with certainty which it was?—It was a subject of conversation frequently.

863. Will you name the persons of whom you made the inquiry?—I certainly named it to Mr. Tyrrell, I am quite satisfied, and to Mr. Vigors; and it was in consequence of that conversation, I believe, that Mr. Murphy and Mr. Campion were sent for.

864. What answer did you get from Mr. Vigors?—I supposed that they were in possession of documents to prove that they were objected to at the registry.

865. Mr. Vigors said that, did he?—It is impossible for me to state the individual.

866. My desire is for you to name the individuals upon whom you charge having made this statement?—It is impossible that I can name any one particular individual at any one particular interview, for it was a matter that I frequently asked when I saw that there had been no pains taken to provide for the defence, and I wished to ascertain as far as I could without interfering with another person's business, as I had declined acting professionally.

867. If you received any such communication, I must know from whom?—I heard it from several; my belief is that I heard it from Mr. Vigors, from Mr. Tyrrell, and from Mr. Fitzgerald.

868. Will you undertake to say that Mr. Vigors said that he supposed that there were documents in existence to prove it?—I will not undertake to say that.

869. Whoever it was who said that, did you ask him the grounds of his opposition?—No.

870. Then this opposition was continued upon the statement of some persons that you cannot name to-day, that it was supposed that there was evidence to support it?—It was stated that the revising books were in Carlow, and that Mr. Campion, who acted as the agent, would produce them, and he was sent for to produce them.

871. Did you make any minutes or memoranda during the time of your attendance on Mr. Raphael?—No.

872. Were you furnished with the short-hand writer's notes from time to time?—No.

873. Were you in the course of communicating with Mr. Baker upon the subject from day to day, as the matter proceeded?—Undoubtedly, I was in conversation with him.

874. Do you mean in the committee-room, or had you conferences with him after the committee was broken up?—I never was in his office in my life.

875. And

875. And you saw Mr. O'Connell but once, and that for a few minutes in the committee-room after your attendance?—Yes.

876. Was that in the committee-room?—In the adjoining committee-room.

877. Had you no communication with him?—No.

878. Was Mr. Vigors in attendance upon the committee after your attendance commenced?—He was.

879. Did you communicate with Mr. Vigors' particularly upon the subject, or merely in general conversation?—Only in general conversation.

880. In the committee-room?—Yes, and while we were outside probably waiting for a division; a great deal of conversation I should say.

881. Can you give me the date of your conversation with Mr. Pearson?—No, I cannot.

882. Did you collect from your communication with Mr. Pearson, that the letter was recently received, or had been received some time before?—I think it had been received during my absence.

883. You have mentioned having been in conversation with Mr. Fitzgerald and Mr. Tyrrell; did you learn that they were members of the committee called the Carlow Committee, or Carlow Independent Committee?—No; I understood that Mr. Fitzgerald was secretary of some club or other.

884. How early did you learn that Mr. Fitzgerald was secretary of some club or other?—I am sure I do not know.

885. Did you ever inquire what club it was?—It was called the Carlow Liberal Club, I believe.

886. Did you see Mr. Maher?—Yes.

887. Did you learn that he was a member of that Carlow Liberal Club?—No.

888. Or that Mr. Vigors was?—No.

889. When you commenced your attendance before the Committee, did you read the previous proceedings that had been had before the Committee?—No; I applied to Mr. Baker for a brief, and I believe he sent me one, but it was nothing but copies of the lists of voters objected to on each side; I never heard the evidence.

890. Then your answer is, No?—I had not read the evidence.

891. Was a copy furnished you?—I believe not; indeed, I am certain.

892. I presume there were consultations with the counsel from day to day upon the subject of the opposition?—I suppose so, but I did not attend any, nor was I apprised of any till the morning of the day that we abandoned the petition; I then attended a consultation for the first time.

893. On the morning that the proceedings closed?—I think it was that morning, or the day before.

894. What is the date of your earliest communication with Mr. Vigors?—I was there a day or two before I knew Mr. Vigors; as soon as I knew who he was, we got into conversation.

895. That was after your attendance on the Committee?—Yes.

896. You say you are not in the general habit of keeping copies of letters; does your partner, Mr. Few, do so?—He is very regular in that respect.

897. Has he any copies of such letters?—I do not think he has.

898. Have you looked to see?—No.

899. Sir F. Pallock.]—At your interview with Mr. Pearson, when a letter was produced, do you remember whether you saw the letter or not?—No, I do not; I certainly did not see the contents of it. Whether he had it in his hands or not I am not sure.

900. Was it stated to be a letter from Mr. O'Connell, or from Mr. Vigors?—From Mr. O'Connell.

901. Do you remember any more of the contents or the substance of the letter than what you have stated, that in consequence of the indecision of the Sheriff, it was too late?—That was the substance. I do not know whether he stated what would have been the expenses, or not.

902. Did that terminate all your interference with that negotiation?—Entirely.

903. Did you attach sufficient importance to it to make any memorandum of it?—No, not at all.

904. How long was the interview?—I should think not five minutes.

905. Although

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905. Although you made no minutes of what passed upon the subject of the prospect of resisting the petition after you began to attend, have you a recollection of the information that you received as to what was the prospect of resisting the petition with success?—Clearly.

906. And up to the time when between 50 and 70 votes turned out to be bad, did you expect to resist the petition successfully?—I had very strong doubts about it myself, from what I saw of the course that the thing was taking, and the way in which the case was got up; but all the persons over here would not listen to my doubting of the success; they were too confident.

907. Did your doubts arise from the nature of the case that was stated to you, or from your expectation of the case not being properly got up?—I will state to you the principal reason, and a conversation that I had with one of the priests about it, Father Maher. The question on both sides was one of value; there was very conflicting testimony as to the value of land; our witnesses were to make the value larger to make our votes good. In fact, I asked Father Maher, Are you prepared, when we come to our case with another set of witnesses, to reduce the value of the farms occupied by the petitioners' voters, because, I said, it will not do to put the same witnesses into the box to prove high value on the one side and low value on the other: and he stated, that they had no other witnesses than those that had been examined; and from that I thought that there was not much chance of success.

908. Did you ever learn from Mr. Baker what was the prospect of success?—No; Mr. Baker was only an agent here, and seemed to rely on the information of those that came from Carlow. He was pretty much like myself.

909. Are you able to put the Committee in possession shortly of the point upon which the matter turned in which you failed?—I could state it in a few minutes.

910. Am I correct in this; when the petitioners began, was it not insisted on the part of the sitting Members, that distinct evidence should be given of the votes questioned having been also questioned on the registration?—It was so; when I first attended; the great struggle was to put them to the strictest proof of that point.

911. The petitioners were able to give that evidence?—They were.

912. Then when the sitting Members began their case, they were quite unable to meet the same objection when it was offered to them on the other side?—With the exception of very few votes, I believe they were entirely.

913. Generally?—Decidedly.

914. When the same rule came to be applied to themselves, which they had insisted upon as against the petitioners, they were unable to give the requisite evidence?—Certainly.

915. Until that appeared, could you tell in what way the petition might terminate?—Not at all; my own belief was, that upon the merits we should have failed, as I said before, from want of evidence.

916. Did you interfere in the management, although you attended the Committee from day to day, of the resistance of the petition?—I purposely avoided it.

917. Did you attend the consultations?—I attended none but the last one.

918. Did you instruct the counsel?—No.

919. But at last, when you found that a difference of 50 or 70 votes was occasioned by the decision of one point, was there then a consultation that you attended?—There was.

920. Who were present at that consultation?—It was at Mr. David Pollock's house; there was Mr. Howley, Mr. Baker, and myself.

921. Was that the first consultation that you had attended?—It was.

922. Was that in consequence of the decision which affected this large number of votes, which you say was between 50 and 70?—I think we had then begun our case, and failed upon the first vote that we attempted; and I found the dilemma that the Sheriff was in; and I thought it was my duty to attend that consultation, and I did.

923. Do you remember how long that was before you actually struck?—It was the Monday morning, but whether we gave up that day or the next, I cannot say.

924. That

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924. That would be Monday, the 17th of August?—I think that was the morning; Mr. David Pollock came into it the first time on that day.

925. Who had attended up to that time?—Mr. Hill had attended occasionally.

926. But Mr. David Pollock, according to that, would not have attended more than two or three days?—No; I am not sure whether it was Monday we gave up, or Tuesday.

927. Was it subsequent?—It could not be subsequent; my impression is, that it was that morning.

928. Before you attended in that day the consultation, had you directly interfered in any way as the legal adviser of Mr. Raphael?—No, I was sitting by; probably I may have suggested a question to Mr. Howley occasionally, but not farther at all.

929. Had you suggested the sending for any witnesses from Ireland, or interfered professionally?—I think Mr. Baker spoke to me about sending for Mr. Murphy and Mr. Campion, and I told him that he was the best judge of what his case was, which I did not know, and that he must exercise his own discretion.

930. Yesterday, you said that you did not consider your attendance upon the Committee as extremely important for Mr. Raphael?—Not the least; and I told him so, from the first to the last, that I was of no use to him.

931. Mr. Serjeant *Wilde*.]—You were in possession of the original correspondence; the original letters of Mr. O'Connell to Mr. Raphael?—I was at one time.

932. Did you ever part with the possession of those letters?—Never.

933. To whom did you show them?—To no person.

934. No person whatever?—No.

935. Or furnish any copies?—Certainly not.

936. Neither one nor the other?—No, until the letter was prepared or publication.

937. Then you did?—Of course a copy was given to Mr. Raphael.

938. To any other person?—No.

939. Did you then show them to any other person?—No.

940. Only to Mr. Raphael?—Yes.

941. And furnished copies to him?—Yes.

942. You have stated certain questions as to what passed in the Committee, and what was the discussion; that is upon information you have derived since, as you say you did not attend?—Previous to my attendance it must have been.

943. The question referred to a previous period as to evidence that was required?—That was required day by day, for our counsel were putting them to the strict proof every morning upon every vote.

944. Sir F. Pollock].—Before you attended had the case of the petitioners concluded, or was it still going on; do you know how that was?—They had only disposed of about two votes.

945. Therefore when you began to attend, were you able to discover what was the course of proceeding, so as to be able to form some judgment of what the thing would turn upon?—Yes.

946. You have been asked about copies of letters and the letters themselves; you say they have been in your possession?—They were at one time.

947. Did you ever part with them to anybody else except to Mr. Raphael?—Certainly not.

948. Was that particular letter of the 3d of August in your possession along with the rest?—Yes, it was. I am not certain whether it was, or whether I had taken a copy of it, I cannot be positive, because Mr. Raphael seemed to be very particular about that.

949. Mr. Raphael seemed to be so very particular about that, that you say you doubt?—I doubt whether that was left with me by Mr. Raphael.

950. What do you mean by Mr. Raphael seeming to be so very particular about it?—He wished to keep that in his own possession, and not entrust me with it.

951. Did he state why?—From the peculiar nature of it.

952. Did

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952. Did he produce that letter along with the rest, or only a copy of it?—If you will allow me I will state the circumstances under which I first saw that letter. Mr. Raphael called upon me on the 3d of August to state what had passed in the interview with Mr. O'Connell on the preceding day, and to consult with me as to the course that I should advise him to take. After stating what had passed on that occasion, and some other discussion, he stated that he had received a most extraordinary communication from Mr. O'Connell, but that it was of so confidential a nature that he was scarcely at liberty even to allude to it. I asked him was it connected with the proceedings before the Committee. He stated that it did not allude to them, but he supposed that it must arise out of them. I told him, in that case that I thought he was bound to let me see it, for I could not properly advise him till he showed it me, if it was in any way connected with those proceedings. He hesitated for a very long time; he repeatedly imposed upon me, what I thought was unnecessary, the strictest terms of secrecy, and ultimately he showed it to me. I had very great difficulty in inducing him to do so, but I told him I could not advise him, as to the course to be pursued, unless he had told me every thing he knew. [The Witness withdrew.]

Mr. Thomas Little, was called in; and Examined, as follows.

Mr.
Thomas Little.

953. Sir F. Pollock.]—YOU attend from Messrs. Wright & Co., the bankers?—Yes, I do.

954. Have you the ledger of the year 1835?—No, I have not.

955. Where is it?—Both the ledgers that contain Mr. O'Connell's account are in constant use every hour, and could not be spared.

956. Have you not received a summons to produce those books?—I have a copy of the account.

957. Did you transcribe that copy?—Yes.

958. When?—Three days ago.

Mr. Serjeant Wilde.]—We will take it for granted that is correct; either party can compare it with the book at the house, to see whether it is incorrect.

Sir F. Pollock.]—Will you allow me to see the copy that you brought with you?

Mr. Serjeant Wilde.]—It cannot be necessary to refer to Mr. O'Connell's banking account beyond those two items.

959. Sir F. Pollock.]—Will you state whether that cheque of 1,000*l.* [*a cheque being handed to the Witness*], dated the 10th of June 1835, found its way to Mr. O'Connell's account?—Yes; I can show that it found its way, by one of these books that I have.

[The Witness produced a Book.]

960. Is that the waste-book?—Yes.

[The same was read as follows:]

Daniel O'Connell one thousand pounds per cash, and one thousand pounds Few & Co.

That is, we debit Few & Co. for the payment to Mr. O'Connell.

961. At that time was Mr. O'Connell's account in cash or not?—

Mr. Serjeant Wilde objected to the question, as being an unnecessary question.

Sir F. Pollock contended that the question was a proper question under the terms of the reference to the Committee, to inquire into the circumstances in which the money was received and expended.

Mr. Serjeant Wilde contended that the question was not a proper question to put to the witness under the terms of the reference.

The Committee withdrew into an adjoining room.

After some time the Committee returned, and the Chairman stated that the Committee had decided that the question be not now put; but if at any future period a sufficient case is made out, the question should be put.

Mr. O'Connell stated that he should direct Messrs. Wright to furnish the other side with a copy of the whole account.

962. Sir

962. Sir F. Pollock.]—Have you the means of telling from the account which you have before you, in what manner that 1,000 *l.* was in the first instance applied?—

Mr. Serjeant *Wilde* stated, that if the question applied to particular items, he objected to the question.

Sir F. Pollock stated that he had put the question in the very terms of the reference to the Committee, and contended that the question was a proper question.

[*The question was put to the Witness.*]

We received it for Mr. O'Connell, and placed it to the credit of his account; but how it was disposed of I cannot tell. I cannot give any particular manner in which it was disposed of; I do not know the object for which it was paid away. Mr. O'Connell drew upon his account, but I do not know for what object.

963. Have you the means of stating to the Committee, from the copy of the book which you have brought with you, in what manner that 1,000 *l.* was applied?—I cannot exactly state; I have the drafts that Mr. O'Connell has drawn since that period, if they would be any reference as to how it was disposed of; but I do not know for what object they were paid.

964. *Chairman.*]—Was this 1,000 *l.* paid into Mr. O'Connell's general account, or into any separate account?—To his general account.

Sir F. Pollock stated, that if the whole account was to be produced, he would not press the question.

Mr. O'Connell stated, that a copy of the account should be furnished.

965. Sir F. Pollock.]—Look at that cheque, dated the 28th of July 1835,—[*a cheque being handed to the Witness*]—did you receive that cheque on account of Mr. O'Connell?—Yes, I believe we did.

966. You say you believe you did; have you any doubt about it?—Not any.

967. Did you give him credit for that in his private account?—Yes.

968. Is that an item in the copy of the account which you have produced to-day?—Yes, it is.

969. When does the copy of the account begin that you have to-day?—It begins with the month of June 1835.

970. What date in June?—The 3d, I believe.

971. And down to what time does it continue?—Till yesterday.

972. How long will it take you to make a copy of the account from the 1st of January 1835 to the end of the year?—About an hour and a half; I cannot tell how much there is of it.

973. When do you make your balances or rests in the account that you keep with your customers?—We never strike a balance unless they desire it.

974. Do not you strike a balance at the end of the year?—No.

975. Do you strike a balance at all?—Not unless it is desired.

976. Not if an account runs on for a great many years?—Not unless it is their desire that we should do so.

977. Do you not make any rest at all?—Not unless it got to any large amount.

978. Mr. Serjeant *Wilde.*]—You have brought some vouchers with you?—I have.

979. You have a voucher for a cheque of the 28th of July, for 300 *l.*, from Mr. Vigors; was that cheque paid in due course to your house?—Yes.

980. And passed to Mr. O'Connell's debit?—Yes.

[*The same was delivered in, being a cheque on Messrs. Wright & Co., for 300 *l.*, to Mr. Vigors, dated 28th July 1835.*]

981. Have you any means by your books of knowing to whom that cheque was paid?—No.

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982. Is it your practice to ask those who present cheques their names?—No, certainly not.

983. Then all you know is, that it was presented in the ordinary way, and paid?—Yes.

984. Will you also look at that cheque for 250 *l.* dated the 3d of August?—Yes.

985. Was that paid in due course and put to Mr. O'Connell's debit?—Yes.

986. On what day was it paid?—The 8th of August.

*[The same was delivered in; being a cheque on Wright & Co. for 250 *l.* to Election Expenses, dated the 3d of August.]*

987. Sir F. Pollock.]—When was the first cheque, dated the 28th, paid?—The 29th.

988. Can you tell me whether the first payment made to Mr. Vigors; how does it appear; is Vigors' name in that account?—We enter it in our books.

989. Have you it in the copy of the books you have brought here?—Yes.

990. Have you Mr. Vigors' name before the 28th of July?—No.

991. Then that was the first money that appears to be paid to Mr. Vigors?—Yes.

992. And that was the day after the second 1,000 *l.* was paid?—Yes.

993. And the other sum of election expenses, 250 *l.*, you say was paid on the 8th?—On the 8th of August.

994. Have you any other entry of the name of Mr. Vigors in the account?—No.

995. Did you keep the ledger?—No.

996. Who did?—Joseph Beadle.

997. Who is he?—One of the clerks in our office.

998. Is he in the office now?—Yes.

999. Can he attend to-morrow?—Very inconveniently; because he has so much to attend to in the way of business.

1000. Mr. Serjeant Wilde.]—It will be as little inconvenient that he should attend to-morrow as any other day?—Yes.

[The Witness withdrew.]

Sir F. Pollock stated that he had no other witness whom he wished to be called at present.

Mr. Serjeant Wilde suggested whether, if it appeared to the Committee that there were any witnesses whose evidence was material in this inquiry, it would not be better for the Committee now to call those witnesses.

Sir F. Pollock suggested that it would be better for Mr. Serjeant Wilde to examine the rest of the witnesses whose evidence he might conceive material.

The Chairman stated that the Committee did not wish to examine any witnesses, but would leave it in the hands of Mr. Serjeant Wilde.

Jovis, 3^o die Martii, 1836.

MEMBERS PRESENT.

Mr. N. W. Ridley Colborne.
Lord Francis Egerton.
Mr. Bannerman.
Mr. Barneby.
Sir Ronald Ferguson.
Sir John Yarde Buller.
Sir Frederick Pollock.

Mr. Ord (Newcastle).
Sir Charles Broke Vere.
Mr. Warburton.
Sir Eardley Walcott.
Mr. H. G. Ward.

Mr. Serjeant Wilde.

MR. NICHOLAS W. RIDLEY COLBORNE, IN THE CHAIR.

Thomas Hamilton, Esq., was again called in; and further Examined, as follows.

*Thomas Hamilton,
Esq.*

1001. *Chairman.*—HAVE you any explanation to give?—I was asked yesterday concerning attending a consultation, and I believe I stated that I attended only one; but on further recollection, I believe I attended two; one on the last day of the scrutiny, and the other the day preceding.

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[The Witness withdrew.

Mr. John Tyrrell, was called in; and Examined, as follows:

*Mr.
John Tyrrell*

1002. *Mr. Serjeant Wilde.*—I BELIEVE you reside in London?—Yes.

1003. Are you acquainted with Mr. Raphael?—Yes.

1004. How did your acquaintance commence; do you attend the same chapel?—Yes; it was there I think that it commenced first.

1005. Have you any connexions at Carlow, in Ireland?—Yes.

1006. A brother?—Yes.

1007. Who is a priest?—Yes; in the county of Carlow.

1008. You are a native of the county?—Of the Queen's County, the next to it.

1009. Had you any conversation with Mr. Raphael upon the subject of his becoming a candidate to represent the county of Carlow?—Frequently.

1010. Will you give me the earliest date when you had conversation on that subject with him?—In 1833.

1011. Did you, in consequence of any conversation with him on that subject, have any correspondence with any gentlemen at Carlow; your brother, or any other person?—I did; first with the Rev. Mr. Maher, and afterwards with the Rev. Mr. Maher and my brother again.

1012. Do you know whether there is any committee or club at Carlow?—Not at that time.

1013. Do you know when it was first formed?—Not exactly; I saw it in the paper, but I do not exactly recollect now.

1014. Was that correspondence by you with the gentlemen you have mentioned at the desire of Mr. Raphael?—That I do not recollect at present; I remember talking to Mr. Raphael on the subject of getting into Parliament; a friend of mine told me that Mr. Raphael was willing to spend 5,000 *l.* or 6,000 *l.* to get into Parliament, and I, understanding the thing, wrote to Carlow.

1015. Had you any conversation with Mr. Raphael himself before you wrote to Carlow?—I had.

1016. Will you be so good as to state the substance of the conversation you had with him?—I told him that I knew where there was a county where he would be certain to be returned by spending a considerable sum of money, and I finding Mr. Raphael very anxious to get into Parliament—

1017. State the substance of what he said?—He said he wished to get into Parliament, and should get into Parliament.

0.29.

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1018. What

Mr.
John Tyrrell.
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1018. What did he say upon the subject of Carlow?—He expressed a wish to get into Parliament; of course I could not make any specific arrangement at the time.

1019. Did you say anything upon the subject of writing to Carlow?—I fancy I did.

1020. Did you write to Carlow; and did you get answers?—Yes.

1021. After those answers, did you speak to Mr. Raphael upon the subject?—I showed him the first letter I had upon the subject.

1022. From whom was that?—From the Rev. Mr. Maher.

1023. Have you preserved the letter?—No.

1024. Is it in existence, or is it destroyed?—It is destroyed, I think.

1025. Will you be so good as to state the conversation between you and Mr. Raphael when you showed him that letter?—Mr. Raphael read the letter over two or three times, and said it was a very excellent letter, a very sensible and capital letter.

1026. What did he say about Carlow?—He said, of course, if he could be sure to get into Carlow, he did not mind spending any sum of money.

1027. Had you at that time any conversation with Mr. Raphael respecting Mr. Vigors?—Not at that time.

1028. Had you at any time afterwards?—Yes.

1029. About how soon?—In the early part of 1834.

1030. What was your conversation with Mr. Raphael regarding Mr. Vigors?—I told him Mr. Vigors was a man of great property in the county, and had vast influence in the county also; and Mr. Raphael said he wished to be introduced to Mr. Vigors.

1031. For what purpose; were you talking about the representation for Carlow when he said that he wished to be introduced to Mr. Vigors?—Yes.

1032. In consequence of that wish expressed by him, did you take any means to introduce Mr. Raphael to Mr. Vigors?—I did.

1033. What did you do?—Mr. Raphael and I appointed to meet at Mr. Vigors' house in Regent's-park, at 11 o'clock the next morning.

1034. Did you see Mr. Vigors at his house, or elsewhere?—At his house.

1035. Will you state the substance of the conversation that occurred between yourself and Mr. Vigors and Mr. Raphael upon the first interview?—Mr. Vigors told Mr. Raphael that he would have a great deal to contend with in going to Carlow; that the aristocracy were very powerful there, and unfortunately all of them opposed to the people; in fact, Mr. Vigors painted a picture so very black to Mr. Raphael that I did not think Mr. Raphael would have anything more to do with it.

1036. Just confine yourself at present to what was stated by any person in the course of that conversation. You have stated that Mr. Vigors said he would have many difficulties to encounter, but how did the conversation begin?—I introduced Mr. Raphael as the gentleman about whom I had spoken to Mr. Vigors previously.

1037. Had you then, before you introduced Mr. Raphael to Mr. Vigors, informed Mr. Vigors of Mr. Raphael's wish to come into Parliament?—Yes.

1038. And then you introduced him, stating this was the gentleman of whom you had spoken?—Yes.

1039. Was anything at that time said respecting the expenses?—Not any specific sum; the general expenses.

1040. Was anything said respecting Mr. Raphael's becoming a landed proprietor there?—There was.

1041. What was that?—Mr. Raphael said that he would purchase an estate, in the first instance, of 20,000*l.*, and he added the words, "in fact I do not care to what amount."

1042. Was anything said respecting any probable vacancy at that time in the representation of Carlow?—It was understood that Mr. Blakeney would not stand again for the county.

1043. What was the result of the interview; how did the parties separate after this conversation; what did Mr. Raphael say about the communication?—Mr. Raphael seemed very well satisfied, and said he was getting only two and a half per cent. in the funds, and that he would like to lay it out in assisting the poor Irish, as he was very fond of the Irish.

1044. This you say occurred in the early part of the year 1834?—Yes.

1045. Had

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1045. Had you from that time afterwards repeated conversations with Mr. Raphael upon the subject?—Repeatedly.
1046. Had you occasion to visit Ireland in 1834?—I had.
1047. At what period of the year?—About July.
1048. Was Mr. Raphael aware of your intention to visit Ireland?—He was.
1049. Had you any communication with him, before you went to Ireland, upon the subject of your talking over this matter with the gentlemen at Carlow?—Yes; he promised to go to Carlow with me.
1050. Did he at that time make any appointment, or suggest any periods at which he would go with you?—A good many.
1051. Was he ready, when the time arrived, to go?—No.
1052. Did you at last determine to go without him?—I did.
1053. When at Carlow, had you communications with any persons at that place upon the subject of Mr. Raphael becoming a candidate?—I had.
1054. With whom?—With various people.
1055. Did you see Mr. Maher?—I did.
1056. Your brother?—Yes.
1057. Was Mr. Vigors at Carlow during the time you were there?—Not at that time.
1058. Mr. Fitzgerald?—Yes.
1059. Was there at that time any committee or club at Carlow; a Liberal club or a Liberal committee?—I should think there was; I do not know from my own knowledge, from not living in Carlow.
1060. In your communications with Mr. Fitzgerald, did you learn that he held an official situation as secretary to such body?—I know that he was secretary to such body, but at what time it was established I do not know.
1061. Was he one of the persons with whom you communicated?—Yes.
1062. When did you return to England in that year?—About the latter end of August or the 1st of September.
1063. Upon your return to England, did you communicate to Mr. Raphael what had occurred between you and the gentlemen at Carlow?—Yes.
1064. What did you state?—I told him that the people of Carlow would be delighted to have him as their representative.
1065. Had you made any representations at Carlow respecting Mr. Raphael, and his situation in life and circumstances?—A great many.
1066. Will you be so good as to state the conversation that passed between you and Mr. Raphael upon your return, as to what had transpired at Carlow during your visit?—He seemed to coincide with everything that I said; he gave no definite answer whether he would go to Carlow, but seemed highly pleased with it.
1067. Had you any conversation with him at that time respecting any persecutions that were alleged to have taken place of the voters?—Yes.
1068. Be so good as to state generally what you informed him upon that subject?—I told him that the expenses of the election itself would not be more than 1,000*l.*, or perhaps more than 600*l.*, but that a considerably larger sum would be required of him to indemnify the voters, who would be likely to be turned out of their land for voting for him.
1069. Did you state anything to him respecting any subscription which had been made, or was in the course of being made?—I did.
1070. What did Mr. Raphael say upon the subject of those communications to you?—I told him that there was a Liberal club established in Carlow for the purpose of protecting the electors; that it would be well if he sent his subscription over, say 50*l.*, or something like that. He said, "Very well, very well, I will think of it."
1071. Did your communications upon the subject of Carlow drop or continue from time to time?—Continue.
1072. Do you remember the circumstance of the dissolution of Parliament in the latter part of 1834?—I do.
1073. Had you any conversation with Mr. Raphael at that time respecting Carlow or Pomfret?—I had.
1074. Be so good as state what passed between you?—He was doubtful whether he should stand for Carlow or Pomfret, but he asked me, could he not stand for both; I said he could.
1075. Did

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1075. Did he mean to sit for both?—No; he said in the event of his being returned for both he would sit for Carlow.

1076. Had you any letter or letters from Ireland on the subject?—I had a good many.

1077. Had you a letter from Dr. Doyle?—No; from the Rev. Mr. Doyle.

1078. Is he a gentleman residing in Carlow?—He resides in the county of Kilkenny, on the borders of Carlow, and has great influence in the county.

1079. Did you show that letter to Mr. Raphael?—I did.

1080. At what period was it that you received that letter, and showed it to Mr. Raphael?—It was about November 1834.

1081. In consequence of any letter that you had received from Ireland, did you then have any conversation with Mr. Raphael upon the subject of his going over to Carlow?—Yes.

1082. What was it?—I told him there was a great necessity that he should go and show himself there, and he promised he would go.

1083. Had you any conversation then with Mr. Raphael in consequence of that letter, upon the subject of the expense that would attend his election?—I showed him the letter.

1084. State what you said to him; is the letter in existence?—No, it is not.

1085. Tell me the substance of what you said to him, after reading that letter, with respect to expenses?—A sum of 3,000 *l* was mentioned in the letter which he read, and he did not seem to think it was at all too much.

1086. What did he say?—The day I showed him the letter Mr. Vigors and I went to him to discuss the matter, whether he could be returned in his absence for Carlow or not.

1087. Begin and state what passed at that interview, to the best of your memory?—We told him, provided there were sufficient funds, that we thought he could be returned in his absence.

1088. Had anything been said about his going over before anything had been said about his being able to be returned in his absence?—Yes; he had promised to go with me.

1089. But at that interview at which you and Mr. Vigors met, after the receipt of the letter from Mr. Doyle, did anything pass as to his going over, or his being put up in his absence?—Yes; Mr. Raphael said he was afraid he could not go over; that he could not get leave from the City.

1090. Where did that interview take place?—At Mr. Raphael's house.

1091. Was anything said at that time about Pomfret?—Yes.

1092. What was said?—He said he was going to stand for Pomfret.

1093. What further was said about his standing for Carlow and Pomfret?—At a subsequent interview he said he would stand for both, and if he was returned he would sit for Carlow.

1094. You tell me at that interview at which you and Mr. Vigors met, it was said that Mr. Raphael was going to stand for Pomfret; what was said about Carlow when he said that?—I do not recollect.

1095. Was the idea of his standing for Carlow given up at the interview?—No, no such thing.

1096. Was it said what was to be done either by Mr. Vigors or Mr. Raphael?—He seemed to coincide with our views completely, but that he could not make up his mind till he saw his law agent, Mr. Hamilton.

1097. Will you be so good as to mention what views were mentioned at that meeting with which he seemed to coincide?—His standing for Carlow, and the expenses about 3,000 *l*; we left him with the understanding that he was quite determined for Carlow.

1098. Sir R. Ferguson?—That is, Mr. Vigors and you left him?—Yes, and then we were to meet him the next day, to have a final arrangement upon the subject, at the Zoological Society's house, in Bruton-street, I think it is.

1099. Mr. Serjeant Wilde?—The questions that have been put to you relate to a meeting which took place in the latter part of 1834?—Yes.

1100. Do I understand you that at the conclusion of the meeting, in the latter part of 1834, an arrangement was made to meet him next day at the house of the Society in Bruton-street?—Yes.

1101. Was Mr. O'Connell party to any of those communications?—I do not suppose that he ever heard of them; Mr. Vigors produced a letter from Mr. O'Connell.

1102. Was

1102. Was that letter read?—It was.

1103. I mean read either to Mr. Raphael, or in his hearing?—Mr. Raphael read it himself.

1104. Was that a letter from Mr. O'Connell to Mr. Vigors, or to whom else?—To Mr. Vigors.

1105. Do you remember anything of the contents of the letter, as stated or read aloud in Mr. Raphael's hearing?—I do.

1106. State what you remember of it?—Mr. O'Connell requested Mr. Vigors to wait on Mr. Raphael, to ascertain whether he was willing to stand for Carlow, and from what he knew of the state of things, he said he had every prospect of success.

1107. Did any meeting take place on the following day, according to the appointment?—Mr. Vigors and I went, according to our appointment, to the Society's house in Bruton-street, and waited there, I think, for about an hour and a half; and when that period had elapsed, a messenger came from Mr. Raphael saying that he was obliged to go out of town suddenly.

1108. Had anything more passed respecting Mr. Raphael becoming candidate for Carlow than what you have stated?—Mr. Raphael seemed to be highly delighted with the prospect.

1109. Will you state what he said?—He said it was all very well.

1110. Was it said to what place Mr. Raphael was going out of town, whether to Pomfret or elsewhere?—I do not recollect.

1111. Was anything said at that meeting upon the subject of the Carlow committee or club?—Not at that meeting, but previously to it.

1112. What had been said respecting that committee or club previously to that meeting?—I told Mr. Raphael that there was a club in existence, and that it was a good way of ingratiating himself with the people of Carlow to send a subscription to it.

1113. Was that club or committee mentioned only once or oftener between you and Mr. Raphael?—I have no doubt on my mind that it was mentioned frequently.

1114. When next after this meeting at the latter end of December 1834, had you any communication with Mr. Raphael upon the subject of Carlow?—After Mr. Vigors and I came out of the house, we gave up Mr. Raphael in toto.

1115. When had you any farther communication with him?—Not for some time.

1116. About what time, about what month in the following year had you any communication with him?—I think about April or May.

1117. What was the subject of the communication between you and Mr. Raphael when it was revived in April or May?—The subject of Carlow was revived again, and I scarcely could tell him anything that I had not told him before.

1118. Were you present at all when Mr. Vigors was informed of the determination of the Committee upon the petition against the two sitting Members, Mr. Bruen and Mr. Kavenagh?—No, I was not.

1119. Did you at any time show Mr. Raphael a newspaper?—No; Mr. Raphael showed me a newspaper.

1120. What newspaper was it?—It was the *Leinster Independent*.

1121. Is that a copy of it; did it contain an account of the meeting and proceedings of the Carlow committee?—It did.

1122. Is that the account that he showed you?—[*The Witness examined the same, dated Saturday, June the 13th, 1835.*]—It is.

1123. What passed between you on the subject of that account that he showed to you?—Mr. Raphael was in great spirits at his name being so favourably received in Carlow.

1124. When first had you any conversation with Mr. O'Connell upon the subject of Mr. Raphael and the Carlow election?—A few days before the election of Carlow.

1125. Be so good as to state the substance of the conversation between you and Mr. O'Connell at the time?—I told Mr. O'Connell not to have anything to do with Mr. Raphael, unless he had the money down in his hand before.

1126. What answer did you get to that communication?—Mr. O'Connell said that

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that he would take care of it, or that that was his business, or something of that kind.

1127. Mr. G. H. Ward.]—At the January election was that?—Yes.

[*Extracts of Paper were delivered in, and read, as follows, dated the 7th of June:*]

My dear Vigors,

I am happy to inform you that the address of Mr. Raphael to the electors of the county of Carlow will appear in the *First* of Wednesday. He has authorized me to purchase an estate for him in that county. Get all your friends to be on the alert to procure a desirable investment of that description. Mr. Raphael's principles are all we can desire. He is a firm and consistent Reformer; determined peaceably and quietly to work out the great principles of the Reform Bill, for the security of the Throne and the liberty of the people. His opinions on the corporation reform and tithes system are those which you and I cherish. He will go as far to promote the former and extinguish the latter, not in name merely, but in substance and reality, as any of his constituents can desire. It will be to you, who are a liberal Protestant, no disparagement to Mr. Raphael that he is a strict and conscientious Catholic. You know that he is (as you are) a sincere friend to religious as well as civil freedom. He marks strongly the contrast between English Protestant liberality and Irish Orange bigotry. The Protestant corporation of London, by an unanimous vote, elected him High Sheriff of London and Middlesex. The vile Orange bigots of the base corporation of Dublin have not admitted a single Catholic to his freedom, although they had forty years to do so. I can and do recommend my excellent friend Mr. Raphael to the electors of the county of Carlow. I earnestly press upon them to select him in preference to the minions of the tyrant Orange faction, whoever these minions may be. I pledge myself that Mr. Raphael deserves and will justify the choice of the brave and honest men of the county of Carlow.

(signed) D. O'Connell.

Mr. Serjeant Wilde.]—Then there is in the paper an article entitled "County of Carlow Election."

[*The same was read, as follows:*]

At a numerous and highly respectable meeting of the independent electors of the county of Carlow, held at the Independent Club-rooms, Brown-street, on Wednesday, the 3d June 1835, Walter Blakeney, Esq., J. P., in the chair; moved by Rev. T. Tyrrell, P. P., and seconded by John O'Brien, Esq., of Lora,—That a life of public virtue, a steady and enlightened adherence to principle, and the deepest devotion to the cause of popular rights at once point out N. A. Vigors, Esq., as the fittest person to guard our rights and protect our liberties in the councils of the nation: Resolved, therefore, that he be respectfully solicited to suffer himself to be put in nomination for the representation of this county in Parliament, and that we pledge ourselves to give him all that support which men resolved to be free and to secure to themselves the full and legitimate effects of the glorious measure of reform can bestow.

Moved by Patrick Moran, Esq., and seconded by Thomas Donohoe, Esq.,—Resolved, That Alexander Raphael, Esq., High-sheriff of London, from the liberal principles which he had uniformly exhibited in public life, and his well-known attachment to the liberties and interests of Ireland, is justly entitled to the confidence of this county; and we pledge ourselves to support him as a fit colleague with Mr. Vigors at the ensuing election.

1128. Mr. Serjeant Wilde.]—Then there is a similar resolution regarding Mr. ——— and a vote of thanks, and it does not appear to me that there is anything more that is relevant to the present subject.—[*To the Witness.*] Did Mr. Raphael say that to you?—Yes.

1129. Can you tell me how soon after the date of publication?—In about three days.

1130. You have referred to several letters; I have not asked you the contents; have you preserved any of those; are they in existence, or are they destroyed?—I thought I had some of them by me, and I made a diligent search last night and the night before, but I could not find them.

1131. Sir F. Pollock.]—I think you say this newspaper was shown to you by Mr. Raphael; or did you show it to him?—He showed it to me.

1132. Did you read the address, or rather the letter of Mr. O'Connell published in the address of Mr. Vigors?—Not at that time.

1133. How much had you read?—I used to borrow the *Leinster Independent* from a friend of mine, and read it every week.

1134. How much did you read?—I read none at that time; Mr. Raphael read only that resolution, showing how favourably he was received in Carlow.

1135. "At a numerous and highly respectable meeting, Walter Blakeney, Esq. in the chair;" is that it?—Yes.

1136. Did you read the whole of that, or did Mr. Raphael merely tell you, here

here is a paper which I am delighted to see?—He did not read the whole of it; he merely said, in great joy, that he was proposed in Carlow, and very well received.

1137. Is this what you would call the nomination?—No, I would not.

1138. What do you call the nomination?—I call the nomination at the hustings.

1139. Do you know when that took place?—I cannot say the date; I was not in Ireland at the time.

1140. This took place on the 3d of June, according to this paper, and the paper itself is published on the 13th of June; how long after the 13th of June did Mr. Raphael show you this paper?—I was almost daily with Mr. Raphael at the time; I could not say the exact day.

1141. Did you learn from him, that on the 10th of June he had paid 1,000*l.* to Mr. O'Connell for something or other, nomination or something else?—He never mentioned it.

1142. And you never heard of it?—No, only what I heard from public report.

1143. Did you hear that from public report?—I heard that he had paid 2,000*l.* or 3,000*l.* at the time of the Carlow election.

1144. Do you mean to say, that you heard from public report, about the time that this paper was shown to you, that Mr. Raphael had paid 2,000*l.* or 3,000*l.* to Mr. O'Connell?—No; at the time of the election.

1145. When?—Two or three days before the election.

1146. When did the election commence?—On the Monday, I think.

1147. In what month?—June.

1148. Do you remember what time in June?—I was not at all in Ireland.

1149. Still you may remember what time in June?—I cannot say the exact date.

1150. Did you hear at that time that Mr. Raphael had paid Mr. O'Connell 2,000*l.* or 3,000*l.*?—I had heard that he had paid two, and some said three.

1151. To Mr. O'Connell?—Yes.

1152. From whom did you hear that?—I really cannot say; Mr. Raphael's brother asked me, did I hear how much money the Sheriff gave himself; I said I did not.

1153. Was it notorious at that time that Mr. Raphael was giving a sum of money to come into Carlow?—I should think it was.

1154. And that he was giving it to Mr. O'Connell?—Yes.

1155. You say that a question was put to you by Mr. Raphael's brother, whether you had heard how much it was; will you name any person from whom you heard this; you spoke of public report?—I cannot take upon myself to say from whom, but Mr. Raphael did not consult me at all as to the sum he was to advance.

1156. The sum he was going to advance had no connexion with the sum of which you had spoken?—No specific sum was named, but he always said he was going to expend a good deal of money; he said no money would stop him getting into Parliament.

1157. You say that you had no communication with Mr. Raphael upon this last bargain about getting in for Carlow?—No.

1158. Then, as you had no communication with Mr. Raphael, I ask you, had this last bargain anything to do with your bargain?—I had no bargain with him.

1159. With your conversation with him?—Of course it had; he stood for Carlow, and advanced a sum of money for the expenses.

1160. But this last bargain you know nothing about, except from common report?—I knew nothing about the money bargain except from public report.

1161. Do you know anything about it except from public report?—No, not a word.

1162. Did you learn anything from Mr. Raphael about it?—No.

1163. Then you will not have the least difficulty in stating from whom you learned that Mr. Raphael was going to advance 2,000*l.* or 3,000*l.*?—It would be quite impossible for me to do it, because Mr. Raphael never consulted me.

1164. Why does Mr. Raphael's not consulting you prevent you from saying from whom it was you heard that he was to give 2,000*l.* or 3,000*l.* for coming in for Carlow?—There were different sums named; persons said to me,

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I am told that Mr. Raphael has given so much money to Mr. O'Connell for the expenses.

1165. Can you name any person from whom you heard that report which you have said was public?—No, I cannot indeed name any particular person; I had nothing to do with the money transaction; I did not know whether he gave a farthing or 50,000 £.

1166. Did you hear it from many persons?—Yes.

1167. From about how many?—Five or six, I should think, who knew of the intercourse between me and Mr. Raphael.

1168. And yet you cannot name one?—No, I cannot name an individual; because so many people knew that I was in correspondence with Mr. Raphael about Carlow, who might have asked me or mentioned that they had heard that he was going for Carlow, and given a certain sum of money to Mr. O'Connell.

1169. Am I to understand that you heard it from so many persons?—I think from five or six.

1170. And you cannot name one?—No, I cannot, indeed, I assure you, because it was a thing that did not interest me at the time.

1171. Did it not interest you to find that Mr. Raphael was making some bargain with Mr. O'Connell, and leaving you out of the arrangement?—I felt hurt with Mr. Raphael for standing for Carlow without telling me of it.

1172. Then I should think it would make the more impression upon your recollection?—No, not the least.

1173. You are unable to name any person?—The fact was this, Mr. Raphael broke his word so often with me that I would have nothing to do with him.

1174. Were you angry with Mr. Raphael?—I had no cause to be angry with him; I thought that he might have told me that he was standing for Carlow.

1175. And yet you cannot name a single person that named the fact, that he was to give Mr. O'Connell 2,000 £ or 3,000 £?—I only heard it from general report.

1176. Are you quite sure that you did hear it from general report?—I heard it as a talk.

1177. From five or six people?—I should think so.

1178. Perhaps a dozen?—No, I should think not.

1179. Not more than five or six?—I think about that number.

1180. And yet you do not recollect a single individual?—No.

1181. Do you recollect where you heard it?—No, I cannot recollect.

1182. Was it in the street or in the house?—It was a question on which I never expected to be asked again, and consequently it did not make much impression upon me.

1183. And you have quite forgotten it?—Not forgotten it. I did not know of the money transaction. If I was going to God this moment, I do not know the individual.

1184. Tell me as nearly as you can the earliest day when you had any conversation with Mr. Raphael about representing Carlow?—It was in 1835, I think.

1185. Which out of the 12 months?—That I could not say.

1186. Do you mean to say that you are unable to tell the Committee whether it was January, February or March, or towards the end of the year?—Quite unable.

1187. Where did it take place; can you recollect the place?—Mr. Raphael and I were in the habit of saluting previous to this; and I believe I was the first that asked him as to his wish to get into Parliament.

1188. Am I then to understand that the conversation originally began with you, and not with Mr. Raphael?—I think, as far as I can charge my memory, it commenced with me first; I would not be precisely sure of it, but I think I did.

1189. Have you any doubt about it?—It is so long ago, that I would not swear that it did not commence with him first; but the impression upon my mind is, that it commenced with me first.

1190. Did you before that have any conversation with Mr. Raphael at all upon any subject?—Not before that.

1191. Then is the Committee to understand that at the first interview with Mr. Raphael you had a conversation with him about his representing Carlow; is that so; at the very first time that you spoke to him you had a conversation about the Carlow election?—I mentioned before that I met him at chapel, we saluted;

a friend

a friend of mine told me that Mr. Raphael had offered to spend 6,000*l.* or 7,000*l.* to get into Parliament. Hearing this from my friend, and knowing the persecution that was raging in Carlow, I thought it would be a great blessing to the people of Carlow if I could link a man who was so wealthy and offered to do so much as Mr. Raphael.

1192. Was that your motive for seeking an opportunity of talking to Mr. Raphael about it?—The only one.

1193. Just hear the last two questions and answers read?—

[The last two questions and answers were read.]

—At my first interview I did not mention the name of Carlow to him, and I did not mention the name of the county; I told him I knew a county where there would be a vacancy very shortly.

1194. Though you did not name the county to him, did you name some county without mentioning the name, and did you mean Carlow?—I mentioned no county in particular to him, but I meant Carlow.

1195. You mentioned some place which he was to represent?—Yes; I did not give him the name of it.

1196. But you said a county?—Yes, a county.

1197. Without mentioning its name?—Yes.

1198. As you sought out Mr. Raphael on account of the offer that you heard he had made, do you mean now to say that you do not know who began the conversation?—The impression on my mind is that I began it.

1199. Have you any doubt about it?—I do not know that; the impression on my mind is that I commenced the conversation with Mr. Raphael.

1200. Have you any doubt about it?—Yes, I have a doubt about it, because I would not take my oath now of it.

1201. You have a doubt about it?—Yes.

1202. You think it may be that Mr. Raphael began the conversation with you about representing some county?—It is possible; but I think that it is likely that I began it, because I understood that he wished to get into Parliament.

1203. How soon after the conversation had you the next interview with him?—Not, I believe, for a few months: I was concerned in the Westminster election in December 1833.

1204. Does that enable you to fix the date?—Yes; in December 1833, Mr. Raphael came there.

1205. Are you able by that to fix about the time when you had the second interview with Mr. Raphael?—I should think I had the second interview very shortly after I had the first, because I wrote to Carlow on the subject.

1206. To whom did you write?—The Rev. Mr. Maher.

1207. Who else?—Then I answered Mr. Maher's letter, and sent one to my brother also.

1208. You stated before, in answer to my learned friend, that you did not recollect whether the correspondence was at Mr. Raphael's desire?—I think it was I who began the subject first, so far as I can charge my memory.

1209. Do not you know that you wrote to Carlow without Mr. Raphael making any request to you to do so at all?—I do not think that Mr. Raphael made any request of me to do so at the time certainly.

1210. Was not your writing to Carlow altogether your own act?—I should think it was.

1211. Have you any doubt about it?—I do not know; Mr. Raphael might have told me to consult some friend, but I cannot remember.

1212. I am not asking the might and perhaps; do you recollect?—I do not; Mr. Raphael expressed a great willingness to get into Parliament.

1213. Did you write to the persons in Carlow whom you have named in any way at the desire of Mr. Raphael?—I could not say.

1214. You say that you told Mr. Raphael that there was a county where he would be certain to get in if he spent a considerable sum of money; did you name the sum or the price of the county of Carlow?—I did not; I told Mr. Raphael, in the first interview that I had with him, that if he had all the money in London, unless he were of liberal politics, he would not get in.

1215. Then when you told him he would be certain of getting in if he spent considerable money, you added, provided he were of liberal principles?—Provided he went with the people.

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1216. Did you explain in what manner he was to spend the money?—Not at that time.

1217. At any time?—I did; I told him the probable expense of the election would be about 1,000 *l.*, and that a sum beyond that was to go to a reserved fund for protecting the freeholders who were likely to be turned out of their land for voting for him.

1218. Were you sufficiently acquainted with the expenses of a Carlow election to be able to judge of the amount of the Carlow legal expenses?—I heard that one election for Carlow previous had only cost 600 *l.*

1219. When did you introduce Mr. Raphael to Mr. Vigors, or Mr. Vigors to Mr. Raphael?—In 1834.

1220. At what time?—I should think about April or May.

1221. And you said at Mr. Vigors' house?—Yes.

1222. At what time of the day was it?—Eleven o'clock, I think.

1223. You say no specific sum was mentioned?—No.

1224. What was stated about the probable expense?—There was no sum mentioned at all at the time; I understood always from Mr. Raphael that money was no object with him.

1225. Was no allusion to any sum or expense mentioned in any way?—No, not to any sum.

1226. At how many interviews between Mr. Vigors and Mr. Raphael have you been present?—Three or four; three at all events.

1227. The first you say was on this occasion, in April or May, when you introduced them to each other?—Yes.

1228. When was the next meeting?—The next meeting was not till November, I think about November following.

1229. And the third?—The third in November, just about the same time also.

1230. Do you remember any other meeting between Mr. Raphael and Mr. Vigors, at which you were present?—No.

1231. Did Mr. Raphael mention the funds in which he only got two-and-a-half per cent. for his money?—No, he did not.

1232. You say, in July 1834, you went to Ireland?—Yes.

1233. Was it upon your own private business, or in any way connected with the Carlow election?—On my own private business; I go every year.

1234. How long did you stay there?—I should think I was back a couple of days under five weeks.

1235. Do you remember the day of the month in July?—No, I do not.

1236. You returned then on the 1st of September?—No, in August or September.

1237. During that time, did you write to Mr. Raphael at all about the county of Carlow?—I do not recollect, indeed.

1238. Have you any belief that you did?—I do not think that I did.

1239. Are you not sure that you did not?—I believe I wrote a few times to Mr. Raphael, and I cannot say whether I wrote from Ireland to him; but my impression is that I did not write from Ireland to him.

1240. Did Mr. Raphael ever write to you in Ireland while you were absent?—No.

1241. Then is the Committee to understand that Mr. Raphael had promised to go with you repeatedly?—Yes.

1242. How often?—I should think five or six times.

1243. What was the object of his going with you?—To be introduced to the electors of Carlow, I apprehend.

1244. Did you take upon yourself to represent that you could introduce him to the electors of Carlow in connexion with his becoming a candidate?—No, I was to introduce him to Mr. Vigors.

1245. Was Mr. Vigors to go with you?—No.

1246. Then how could he be introduced to the electors?—Mr. Raphael's name was known there before I went, and I could introduce him myself; but I introduced him to Mr. Vigors for his sanction, as being a man of great influence in the county.

1247. And how came it at last that he did not go with you?—That I cannot say.

1248. But, in point of fact, did you write to him from Carlow, or did he write to

to you while you were there?—I do not think a letter passed between us, as far as I recollect.

1249. Do you remember the day that you returned?—No, I do not.

1250. Do you remember how soon after your return it was that you saw Mr. Raphael?—Not for some time.

1251. How long do you think?—I should think for a month at least, more than that.

1252. Was it as much as six weeks?—I should think it might be about six weeks.

1253. Did you see him till November?—Between September and December I saw him; I know that the day I arrived from Ireland in London I went to Margate the same day, and I think I stayed there for five or six weeks after.

1254. Did you see Mr. Raphael again upon the subject of the Carlow election and his becoming a candidate, until after there was a prospect of dissolution?—I believe not.

1255. Was not the first communication with Mr. Raphael in November, after your visit to Ireland, in reference to the expected dissolution?—It was.

1256. Did you, upon your return from Ireland, make any communication to Mr. Raphael, as to the sentiments of the people of Carlow, which you had collected during your visit there?—Not till I came up from Margate, I think.

1257. And then only upon the expected dissolution?—The thing was in negotiation before, even without the dissolution; but I dare say that induced me to go to him.

1258. Where was it that you saw Mr. Raphael when you had the conversation about the expenses which you said would not be more than 1,000*l.*, or perhaps more than 600*l.*?—I had conversations to that effect with him I think at his own house, and I believe at the Old Bailey too.

1259. Was that in the month of November, or before?—About November.

1260. What do you mean by about November?—It might be the latter end of October or beginning of November, I would not say.

1261. You told him that there was a Liberal club established, and that it would be well to send 50*l.*?—Yes.

1262. How often did you make that representation to him?—I cannot say; but he understood very well that there was such a thing in existence.

1263. How often did you make that representation to him about making any subscription to any Liberal club?—I cannot say indeed.

1264. Did you say so more than once?—There was scarcely a subject connected with the county of Carlow which I did not from time to time mention to him.

1265. Will you undertake to say that you asked him to subscribe to that fund more than once?—I will not undertake to say that I did; but I recollect telling him such a thing, and that it would be an extremely good way of ingratiating himself with the people.

1266. How early did you learn from him that he had another place in view?—I always understood that he stood for Evesham before, and was rejected; but in November, I think it was, that he was going to Pomfret; he told me that he had been invited to stand for Pomfret about that time.

1267. Did he not make that communication the very first time that you saw him after the expected dissolution?—He might.

1268. Did he not?—I do not know.

1269. Does your recollection enable you to say one way or the other?—It does not; but I know at all times he never gave up Carlow.

1270. Did he not give up Carlow when Carlow gave up him, when he was too late for it?—At that time he never gave up the idea of standing for Carlow.

1271. Did he stand for Carlow at that general election?—No.

1272. What do you mean by, he never gave up Carlow?—He always had an idea of going for Carlow; he told me that if he was returned for Carlow he would sit for Carlow.

1273. Did he stand for Carlow?—Not at that time.

1274. Then do you mean to say that he never gave up Carlow?—I do not think that he did, until he left town for Pomfret at all events.

1275. Do you know when he left town for Pomfret?—No, I do not.

1276. Do you know, when he failed to keep that appointment with you and Mr. Vigors,

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Mr. Vigors, whether he was then gone to Pomfret?—I do not think the gentleman who came mentioned where he was gone.

1277. Have you any reason to know, from what has passed since, that he went then to Pomfret?—Not that he went then, nor do I know that he went, except from public report.

1278. Then is the Committee to understand that your negotiation with him continued or was put an end to?—It continued.

1279. Down to what time?—Previous to his being returned for Carlou.

1280. To what time did it continue?—Down to his being returned for Carlou, in June.

1281. Is the Committee to understand that that negotiation continued, although at the general election he was not a candidate for Carlou?—He was not a candidate exactly, but he expressed a wish to be returned for Carlou.

1282. Was he a candidate at all?—Not at that time.

1283. Do not you know, in consequence of Mr O'Connell in a letter stating that his indecision had made him too late, that he was obliged to give it up?—No, I never heard anything of that.

1284. When was it that you went to Mr. Vigors to discuss with him whether he could be returned in his absence?—In November, I think it was.

1285. And you told him that he might be returned in his absence if he sent sufficient funds?—I got a letter from a very influential gentleman, as I mentioned before, on the very subject, which letter I showed to Mr. Raphael, and then of course he was able to judge for himself.

1286. Who was that gentleman?—The Rev. Mr. Doyle.

1287. Did that letter state anything about his being returned in his absence, if he sent sufficient funds?—It did.

1288. Were there sufficient funds to make up for the absence of the candidate; do you mean that the sufficient funds had anything to do with his presence or absence or not?—No.

1289. Then it was indifferent whether he was there or not?—No; he mentioned in the letter that it would be better for him to go there if he could, but still mentioning, that if he had sufficient funds he might be returned in his absence; he gave an opinion, that if there were sufficient funds he might be returned in his absence.

1290. Was the amount then mentioned of the funds that would be wanted?—The sum of 3,000 *l.* was mentioned.

1291. Was there an understanding or statement as to how much was for expenses of the election and how much for the other matter?—I do not think there was anything on that subject that evening before Mr. Vigors and me.

1292. Do you remember the very day, either the day of the week or the day of the month, when he did not keep the appointment that you mentioned?—I can tell you a circumstance by which the day can be ascertained; the evening that we saw him he had just returned from presenting the address of the City of London to the King; it was the day after that that he had appointed to meet us.

1293. And you then understood that he had gone out of town?—Yes.

1294. From the time of his not keeping that appointment did you see him again or have any conversation with him about Carlou till there was a prospect of the Members being unseated?—Just at that time I was in almost daily communication with him.

1295. At what time?—Just about November.

1296. From the time that he did not keep his appointment, namely, the day after the address was presented, did you again see him for some weeks?—No; I did not.

1297. Or months?—Perhaps a couple of months.

1298. Did you see him until there was a prospect of the Members for Carlou being unseated?—I should think I did.

1299. When and where?—The next time I saw him was about April or May after, as near as I can recollect.

1300. That would be April or May 1835?—Yes.

1301. Are you aware that the Members were unseated in the month of May?—I was aware that they were unseated, but I did not recollect the month.

1302. Did you see him again till there was a prospect of the unseating of the Members

Members who had been elected at the general election?—I should think I would have seen him whether there had been a prospect or not.

1303. Did you, is the question?—I do not know; from the general conversations with us I am sure he did not give up Carlow.

1304. At the meeting before that disappointment, when he did not come, Mr. Vigors was present?—He was.

1305. And he produced a letter from Mr. O'Connell?—He did.

1306. Do you know where that letter is?—No, I do not.

1307. Do you remember anything more in it than what you have stated, that Mr. O'Connell wished Mr. Vigors to wait on Mr. Raphael, to ascertain whether he was willing to stand for Carlow, and that from all he knew he had every prospect of success?—It was a very short letter; it was about Mr. Raphael. I believe Mr. O'Connell mentioned the sum of about 3,000*l.* also.

1308. Was that the purport, that Mr. O'Connell wished Mr. Vigors to wait upon Mr. Raphael, to know if he would stand for Carlow?—It was.

1309. And the sum of 3,000*l.* was mentioned?—It was.

1310. You saw him next in April or May?—I think, as nearly as I can guess.

1311. Was it then that he was in great spirits?—He was always in great spirits, talking of Carlow, or of getting into Parliament.

1312. But you mentioned a particular meeting, when you said that he was in great spirits, and produced some paper?—Very shortly before his election for Carlow that was, as far as I recollect. Mr. O'Connell's letter said these words: "Tell Mr. Raphael that he may be returned for something like what it will cost for an English borough, say 3,000*l.*"

1313. You say that you told Mr. O'Connell to have nothing to do with Raphael, without having the money down?—Yes.

1314. When did you tell him that?—I do not know whether it was the first day of the election, or some days before it, just about the time.

1315. Was it after you had seen Mr. Raphael in spirits with this paper in his hand, or before?—I cannot say indeed.

1316. I must trouble you to recollect that?—I should think it was after that.

1317. On what occasion was it that you saw Mr. O'Connell; how came you to be in Mr. O'Connell's society, so as to make the communication to him, that he had better have nothing to do with Mr. Raphael, unless he had the money down?—I went on purpose to Mr. O'Connell, thinking that he did not know Mr. Raphael as well as I did.

1318. Where did you see him?—At his own house.

1319. What did you tell him?—I told him not to place any dependence upon Mr. Raphael, unless he had the money down previously in his hand.

1320. What did he say?—He said he would take care of that; that was his business; or something of that kind.

1321. Did he say that he had 1,000*l.*?—He told me that he had sent that day 800*l.* to Carlow, that very morning.

1322. Did he tell you that he had already got 1,000*l.* from Mr. Raphael?—No.

1323. When did you see Mr. Raphael next after that?—I saw him during his election; he came to my house at different times.

1324. Did you ever go to his?—I did go to his; and I went to the Old Bailey also.

1325. Did you dine at the Old Bailey?—No.

1326. Perhaps you were not on visiting terms with Mr. Raphael?—He once asked me to dine with him the next week, and I never heard anything about it since.

1327. And in point of fact you never did dine with him?—Never.

1328. Or he with you?—No, never.

1329. Was it at the Old Bailey that he asked you to dine?—No, he asked me to dine at his own house; he said he had a few select friends at his own house next week, and asked me would I come, and I said I would. He asked me, after that, during the election, I think, to dine at the Old Bailey with him, and I did not go.

1330. You mentioned some letter that Mr. Raphael showed you towards the close of your examination?—I do not recollect.

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1331. Did he ever show you any correspondence of any sort?—He showed me some letters, I think, from Carlow, that he received.
1332. I take it for granted that you did not mention to Mr. Raphael what you told Mr. O'Connell about him?—No, I did not.
1333. I should like to know if you can give me the very day that you mentioned the communication with Mr. O'Connell?—It was either during the election or a day or two before it.
1334. Was that all the caution that you gave to Mr. O'Connell?—That was all.
1335. Did you tell him why you gave it?—No, I did not.
1336. But you merely recommended him to have nothing to do with Mr. Raphael without having the money down?—Yes.
1337. Then the election took place, and Mr. Raphael was returned?—He was.
1338. Did you see anything more of him for the rest of the year?—During the election he came four days to my house, and I believe sent twice or three times the day before.
1339. What was that about?—To see him, I suppose.
1340. Did you see him?—I saw him on the Sunday night before the commencement of the election.
1341. As far as you know, had Mr. O'Connell anything to do with the negotiations before the general election?—No, as far as I know, he had not; I believe he had not; I believe Mr. Vigors was the individual.
1342. Nothing at all to do with it?—No; that question brought to me a circumstance; I told Mr. Raphael frequently, if he had not sufficient confidence in me or Mr. Vigors, he might go to Mr. O'Connell.
1343. Why was he to go to Mr. O'Connell?—Because Mr. O'Connell, having such influence in Ireland; if Mr. O'Connell could satisfy him, of course it would be right.
1344. Was Mr. O'Connell consulted that you know of?—No, he was not.
1345. Did he interfere in any way?—Not the least at that time, I believe; not down to the time that Mr. Raphael was returned.
1346. Never in any way?—Never in any way that I heard.
1347. Were you a party in any way to the negotiation after the general election, which took place in January 1835?—I was not a party to any negotiation at all.
1348. Were you not rather offended at being left out?—I was offended that Mr. Raphael should go for Carlow without even telling me of it, after I was the first cause of introducing him.
1349. Were you not offended?—I was not offended, but I felt hurt.
1350. You say that you heard by public report, that Mr. Raphael had given 2,000*l.* or 3,000*l.* to be returned for Carlow?—Yes.
1351. When did you first hear that report?—Just immediately before his election.
1352. Was it before you waited upon Mr. O'Connell to give him that caution?—Yes, it was; it was about that time exactly; of course it was, or I would not have waited upon Mr. O'Connell, if I had heard that he had got the money from Mr. Raphael.
1353. Had you heard from public report that Mr. Raphael was to give 2,000*l.* or 3,000*l.* in connexion with the Carlow election, before you waited upon Mr. O'Connell?—I think I had.
1354. Why did you wait upon Mr. O'Connell to give him that caution?—Because I had heard a report that he had received so much money, and I did not know whether it was true or false, and I thought I would warn Mr. O'Connell not to negotiate, unless he had the money in his hand.
1355. How soon after you heard that report did you wait upon Mr. O'Connell?—Very shortly, I think; perhaps, two or three days.
1356. Were you well acquainted with Mr. O'Connell?—I had been acquainted with Mr. O'Connell, but I think he did not recollect me upon that occasion.
1357. Then your going to him on that occasion was calculated to make some impression upon your memory?—It was.
1358. And you went to him shortly after you heard this report?—Yes.
1359. Do you mean still to say that you cannot mention a single individual from whom you heard those reports?—It was a general report.
1360. Can

1360. Can you name a single individual?—No; because I had nothing to do with the money transaction at all.

1361. Having attended to that report so much?—It was not to the report at all that I attended; I did it from knowing Mr. Raphael better than Mr. O'Connell did.

1362. Was it not in consequence of that report?—It was not in consequence; and I told Mr. Raphael different times that if he doubted me and Mr. Vigors, he might lodge the money in Mr. O'Connell's hands.

1363. Mr. Serjeant Wilde.]—You have been asked respecting reports that you heard, and sums that had been mentioned, did you ever hear of a report, or were you ever a party to any negotiation for payment of any sum of money except for election expenses, and for the protection of tenants who might be expelled for their votes?—Never; there was nothing else understood.

1364. Did you ever know or hear of any other sum of money being required for the individual benefit of any human being?—Never.

1365. You have stated that you understood Mr. Raphael to profess Liberal politics; did you ever represent to him that he could be returned for any expenditure or any sum of money, independently of his politics?—No, he could not do it; it was one of the first things that I told him, that if he was not Liberal it was no use his going for Carlow.

1366. In his politics you mean?—Yes; indeed he professed to be fully as liberal as Mr. O'Connell, with the exception of the repeal question; he said that was the only thing.

1367. In your communications with Mr. Raphael, did you act in any authorized character, or as an acquaintance and connected with Carlow?—As an acquaintance and connected with Carlow.

1368. Were you ever authorized by any one to make any bargain with him?—Never.

1369. Did you ever profess to be?—Never.

1370. What had occurred between you and Mr. Raphael to induce you to give that caution to Mr. O'Connell?—From the repeated appointments made by Mr. Raphael with me and breaking a great many of them, and other things which came to my knowledge, that it is not necessary to mention, I thought that he was a person that was not likely to keep his word.

1371. You had communications with him, you say, during the Westminster election?—Yes.

1372. Did you learn from him whether or not he was desirous of becoming a candidate to represent the City of Westminster?—Yes.

1373. Did you ever see an address of his to the electors of Westminster?—Yes, he showed me one, and gave me one of them.

1374. Are you an elector of Westminster?—Yes.

[The Witness withdrew.]

Charles Pearson, Esq. was called in, and Examined as follows:

1375. Mr. Serjeant Wilde.]—YOU are well acquainted with Mr. Raphael, I believe?—I am.

1376. You acted as his under-sheriff during the year of his shrievalty for London and Middlesex?—I did.

1377. Had you at any time any communication with Mr. Raphael on the subject of his desire of becoming a Member of Parliament?—I had frequently.

1378. What is the earliest date that you can assign to any communication upon that subject?—Just previous to the general election; I think in December 1832, if my memory serves me correctly.

1379. Not the last general election, but the reform general election?—Yes, the great general election.

1380. That was before Mr. Raphael was elected sheriff?—It was.

1381. Had you any communication with him upon that occasion or any other, respecting the possible facilities, as between England and Ireland, of his being elected?—Not upon that occasion. Mr. Raphael, previously to the general election of 1832, applied to me to know whether I could assist him in his desire to get into Parliament; my acquaintance commenced with that; I should observe that I had previously been applied to before to support Mr. Raphael for Grimsby, which I had declined to do, not being acquainted with him.

1382. After

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John Tyrrell.
3 March 1836.

Charles Pearson,
Esq.

Charles Pearson,
Esq.
3 March 1896.

1382. After that communication, towards the end of 1832, had you any conversation with him as to the comparative facilities of his being elected a Member of Parliament between England and Ireland; will you state the substance of what passed?—That was in 1834. When Mr. Raphael repeated his application to me, as he had frequently intermediately done, it was about November, when it was anticipated that a general election would take place. Mr. Raphael at that time did not say anything of Ireland, but merely expressed his desire to enter Parliament generally; and my observations to Mr. Raphael were, that the line of politics that he adopted would recommend him to a large constituency, but that I did not think that he possessed that description of talent which, in other respects though considerable, was calculated to ensure success with an extensive constituency; and that I feared that in England with his political opinions in a confined constituency his religious opinions would operate against him, as it appeared to me throughout the country, generally speaking, a large proportion of the constituency in smaller towns were of the Dissenting persuasion, or the Wesleyan Methodists, and I thought Mr. Raphael's tenets as a Catholic would be injurious to him with that class of persons; and I then called his attention to Ireland, stating that it appeared to me that in Ireland his political opinions would recommend him and his religious tenets would be of no disadvantage to him. Mr. Raphael then told me that he had already turned his attention towards Ireland, and that he had had some communication with some gentlemen about Ireland; I am not certain whether he mentioned the name of Mr. Vigors, but I afterwards had occasion to know that it was Mr. Vigors that he adverted to, by seeing Mr. Vigors at the Old Bailey about the same time in company with him, and evidently holding conversations which it was not desirable, as they thought, (at least Mr. Raphael appeared to think), that I should be a party to, therefore I left the room when Mr. Vigors and another gentleman, whom I have since learned to be Mr. Tyrrell, came there.

1383. Had you about that time any conversation with Mr. Raphael upon the subject of your writing to Mr. O'Connell?—I had.

1384. Be so good as to state when that was, and how that arose and the substance of it?—To the best of my recollection, it must have been the latter end of November, probably the 25th, 26th or 27th, or thereabouts, when Mr. Raphael stated to me that he was already in communication with a gentleman from Ireland; my observation was, "Why not apply to the fountain-head at once?"

1385. Did you explain what you meant by the fountain-head?—I do not know whether in words I sufficiently designated him, but it was well understood by Mr. Raphael; and Mr. Raphael said his acquaintance with Mr. O'Connell was not sufficient to justify him in opening a communication with him, but he thought that that had been done by the gentleman with whom he was in treaty. My reply was, that my acquaintance with Mr. O'Connell was slight, but upon such a business quite sufficient to justify me in writing.

1386. What did Mr. Raphael say to that?—He approved of it. I will not say that he requested me to write; we were upon those sort of terms, that it was not necessary that he should request me to do it, but it was agreed between us that I should write.

1387. Did you in consequence write to Mr. O'Connell?—I did.

1388. Did you keep a copy of your letter?—I did not.

1389. Will you state what was the substance of it?—I should observe, to preserve the order of the narrative, that I asked Mr. Raphael what his opinions were, in regard to particular local subjects that affected Ireland; his general political opinions I was sufficiently well acquainted with, but I asked him, stating that it was necessary in dealing with Mr. O'Connell, that I should be perfectly explicit and candid. Mr. Raphael replied, that in the general opinions of Mr. O'Connell in regard to Irish interests, he perfectly concurred. I then touched him upon the question of the repeal in plain terms, and Mr. Raphael said that he would not go into Parliament under a pledge to support the repeal of the Union. I considered it necessary to write to Mr. O'Connell explicitly upon that subject.

1390. Will you be so good as to now state the substance of your letters?—My letters stated that Mr. Raphael was desirous of going into Parliament; that I had recommended him to look to Ireland, and to look to Mr. O'Connell to recommend him to some constituency, if there was one that would be open. I stated Mr. Raphael's opinions in politics to be very strongly liberal; that upon Irish questions he generally concurred with Mr. O'Connell, but that in the question of the

the repeal he must be left at liberty, his present opinion being against it; that he would not pledge himself for it. I requested Mr. O'Connell would write me word if there was likely to be any vacancy either of a county or a town where he thought Mr. Raphael would succeed; and to state to me very explicitly not only his impressions, but the calculations upon which those impressions would be founded; and also the probable expenses, and his reasons for deeming that amount to be the probable amount. I think I represented to Mr. O'Connell that I had been well versed in those matters, and therefore requested to have very specific information.

1391. Is that the substance of the letter, to the best of your recollection?—It is.

1392. Did you receive an answer from Mr. O'Connell?—I did.

1393. Have you got that answer?—I have.—[*The Witness produced the same.*]
—Mr. Chairman, I presume that I need not make any hesitation in producing the letter on the score of professional confidence; I am required to produce letters; I suppose that has been discussed before.

Mr. O'Connell.—I desire it; my wish is that the letters should be produced.

I wish that it should be understood that I am called upon and required by the Committee to do so.

[*It appeared that the Letter was under a Frank, December 3, 1834, directed to Charles Pearson, Esq., and it was read, as follows:*]

My dear Sir, Merrion-square, Dublin, December 2, 1834.

I agree with you entirely in thinking that it would be exceedingly desirable to have Mr. Raphael in Parliament. I had already been apprized that he intimated recently a desire to be so; and, indeed, I believe it the more readily, because he some two or three years ago told me as much. Fortunately, as I hope, there is now quite a suitable opportunity; Carlow county is likely to be deserted by its present Members, and we are threatened by two powerful Conservatives. You will be glad to hear that even before I got your letter I wrote to Mr. Vigors, suggesting Mr. Raphael as a likely person to coalesce with young Mr. Ponsonby, Lord Duncannon's son, and by that means to secure the return of both. I say of both, for both must embark, if at all, in the same bottom. My present impression is, that with Ponsonby's popularity and our recommendation of Mr. Raphael, success is to the last degree probable. I wish you would see Mr. Vigors on this subject; he lives near the Botanic Gardens. You will find his address in the Directory. I will write by this post again to Carlow, and get an exact return of the constituency, divided into good, bad and doubtful, and if I find that the good exceed the other two, then we will proceed; but money is necessary. About 3,000 £, say 3,000 £ at the utmost, would cover all expenses. I will not have Mr. Raphael stand unless I can insure two things for him; first, that the expenses shall not exceed that sum; and, secondly, that he will certainly be returned. You may of course rely on it that there shall be no speculation. At present, I believe, the return can be made certain, but I will not pledge myself without further information. Let me know how Mr. Raphael relishes my proposal to join Mr. Ponsonby, who has considerable local interest, and to go as far as 3,000 £ to carry the election. The principal expense will be to indemnify tenants who vote against their landlords' wishes; they may want from one year to half a year's rent. The greater part will only be a loan, and will be repaid. It will not, also, be required until after the election, and will be unconnected with any previous stipulation. The tenants who vote for us thus will expect that the gentlemen who compose the local committee should prevent their landlords from ruining them by sudden demands at periods when the Irish farmer has nothing to sell. But the entire of these advances and all other expenses not to exceed the 3,000 £ I have mentioned. In reply to your answer to this, I will give you precise and positive information; and even then you shall be at liberty to retract.

Believe me to be, my dear Sir, very faithfully yours,

Charles Pearson, Esq.

Daniel O'Connell.

1394. That letter professes an intention to receive further information, and to write to you again; did you receive a second letter?—I did.

1395. Have you that second letter?—No.

1396. What has become of it?—I have no doubt whatever but that I gave it to Mr. Raphael.

1397. Do you recollect any conversation about that letter?—I do.

1398. What was it?—At my own house, after Mr. Raphael's return from Pomfret, I read to him the second letter. Mr. Raphael was spending the evening at my house. The affair was then ended as regarded my negotiation for Carlow, and I was then reading this letter to Mr. Raphael and to my family, rather for the purpose of observing upon it, and commenting upon Mr. O'Connell's business

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business habits amid the confusion and turmoil of a general election, I read it with that view to Mr. Raphael, and said, the first letter I shall give my daughter to keep as an autograph, it being expressive of the character of the mind of the writer; and Mr. Raphael (to the best of my conviction, the impression is very strong upon my mind upon that subject) said, "I should like to have the second letter for the same purpose;" and I have not any doubt whatever but that the second letter I gave over to Mr. Raphael; but I understand Mr. Raphael says he did not receive it; my impression is not quite so perfect upon the subject as would justify me in positively affirming it in the teeth of Mr. Raphael's positive assertion, whose veracity relating to anything that *has* happened I have not had occasion to doubt. Since I heard that Mr. Raphael had not it, I have made every search for it in all those places in which I think it would have been if by accident he had not taken it away.

1399. Did you give it to anybody else?—No.

1400. And you cannot find it?—No.

1401. Before you received that second letter, had you written a second time to Mr. O'Connell?—I had.

1402. Will you be so good as to state what it was that had occurred which induced you to write to Mr. O'Connell the second time before you received the second letter?—When I read to Mr. Raphael the first letter of Mr. O'Connell, Mr. Raphael had stated to me that he was in negotiation for Pomfret. I at once said to him, "that is wholly inconsistent with the continuance of this treaty with Mr. O'Connell, and you must not flirt with both; you must give up one." Mr. Raphael expressed his wish to keep them both in hand. I said I considered it due to Mr. O'Connell and to myself that I should write by that night's post to Mr. O'Connell to apprise him that Mr. Raphael was in treaty for Pomfret, and that I would have nothing to do with the affair, and urge upon Mr. O'Connell the propriety of his entirely abandoning all expectation of Mr. Raphael becoming a candidate, at least under my recommendation. I stated, that Mr. Raphael wished the treaty to remain open till he could visit Pomfret at least, but it appeared to me that affairs were pressing at that time, and that it was but fair to Mr. O'Connell to apprise him of what had happened, and I did so in that letter.

1403. That letter you wrote before you received Mr. O'Connell's second letter?—I did; they crossed upon the road.

1404. How soon after you received the first letter did you read it to Mr. Raphael?—I should think the next day probably; I could not be certain within a day or two.

1405. Did you read to Mr. Raphael, and show to him the second letter you received from Mr. O'Connell?—Not till afterwards, which was after his return from Pomfret.

1406. Will you state the contents of that second letter?—Yes; never having seen it since, my memory is indistinct as to its contents, but I recollect that it was warmer in its expression of confidence of success than even that previous letter, and it was based upon some numerical calculations, which I do not recollect; the only thing that at all varied, if it may be so called, was that it stated that 500*l.* would be necessary for current expenses; I do not recollect whether it said before the election, but I should so interpret it, and considered that 500*l.* was necessary for printing and advertising, and the expenses before the election, the previous letter having spoken of the money, the 3,000*l.*, to be brought forward after the election, that is the only distinctive circumstance that varies it from the first.

1407. Before you received that second letter, had you written your second letter declining to prosecute the matter further?—I had.

1408. Did you ever receive any other letter from him, stating that in consequence of Mr. Raphael's vacillation he was too late for Carlow?—I think the second letter contained some expression of "vacillation;" whether it alluded to any one else's communication I do not know. I have a recollection of a letter from Mr. O'Connell in which that expression was used; whether that was in the second letter of Mr. O'Connell's, referring to some information from any person, or in a third letter from him, I do not know.

1408.* Do you recollect whether that second letter, which was with regard to the numerical state of the expenses, said that it was too late?—No, it certainly did not; I do not know whether it might contain some expression of his vacillation.

1409. My

1409. My question is directed to the expression that he was too late?—No, certainly not.

1410. Was there anything to put an end to negotiation?—Most assuredly not; it was a letter that would have induced me, as having some experience in elections, to proceed in it.

1411. Do you recollect showing to Mr. Hamilton the contents of any letter you had from Mr. O'Connell?—I do not recollect having spoken to Mr. Hamilton; I do not recollect any conversation upon the subject of Carlow; I recollect to have seen Mr. Hamilton, but I do not recollect any conversation upon Carlow with him.

1412. Do you remember having any letters to show to him?—I am not clear whether there was not a third letter, after the receipt by Mr. O'Connell of my second letter, civilly terminating it, at last civilly as regarded me, but not so civilly as regarded Mr. Raphael; I have an idea that the "vacillation" of Mr. Raphael was alluded to in some letter.

1413. Did you interfere further at any time in respect of Mr. Raphael's being a candidate for Carlow?—Not in any way whatever.

1414. Have you been in any respect party to this inquiry, or the resistance of it?—Neither directly nor indirectly.

1415. Did you ever, and when, first show that letter to any one?—I showed it to Mr. Parkes, at your request, after I had heard that Mr. Raphael had taken the liberty to speak of me in disparaging terms; I had occasion to see Mr. Parkes upon other business upon which we were joint solicitors; Mr. Parkes told me that he was about to summon me to attend this Committee; he said that he should request the copy of a letter which he understood was in my possession, and the statement of such facts as were within my knowledge; I told him, when I appeared before the Committee I should produce the letter but not till then, but I should hold no conversation with him on the subject, and that I adhered to.

1416. And till you saw me at Mr. Parkes' house you had not shown the letter to any one?—No; not till I had your sanction that I should do so.

1417. Had you any difference with Mr. Raphael?—I shall have now, but I never did have before.

1418. Have you always been on fair and even terms with him as far as you understand?—I have had no reason to think to the contrary; Mr. Raphael called upon us at the Old Bailey a short time since, and there were friendly conversations, the same as I thought always have passed between us; he talked on the subject of this Committee, and so on.

1419. You are not aware of any cause which led him to repent your being his under-sheriff?—No; and I have now alluded to it, because, having had the honour of being your agent for some time, and I felt that perhaps, if that observation passed without being answered, it might weaken your confidence.

1420. *Sir Frederick Pollock.*—At Newark you mean?—Yes.

1421. When did Mr. Parkes call upon you and give you that information?—Mr. Parkes did not call upon me, I had occasion to call upon him eight or ten days ago, since the appointment of the Committee, but in the interval before its meeting.

1422. But you said you understood from some one that Mr. Raphael had spoken in terms of disparagement of you?—I understood it from Mr. Sergeant Wilde, that in the observations before the Committee here, he had expressed his regret at his having appointed me under-sheriff, or at my having appointed him sheriff.

1423. Did any one explain to you a doubt whether he had made you under-sheriff, or you made him sheriff?—I never heard the slightest doubt upon that subject.

1424. Was it mentioned to you that he had spoken of you in disparaging terms, that he regretted that you had made him sheriff?—Ceasing to joke upon the subject, I understood that Mr. Raphael had said, very improperly, he lamented that he had made me his under-sheriff, as if there had been some circumstance in the relation between sheriff and under-sheriff unfavourable to Mr. Raphael's interest, and disparaging to my character and conduct.

1425. Before that you say you had not shown the letter?—I had not.

1426. You mentioned having received three letters as coming from Mr. O'Connell, one of which only has been produced?—Certainly, two; possibly or probably three; if three, the last one, a letter unimportant, at least having nothing so material

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material in it as to stamp an impression on my mind of having received it, or to induce me to keep it as an autograph.

1427. Not as Mr. O'Connell's autograph?—I only preserve autographs where there is something in the latter to stamp the character of the writer.

1428. An invitation to dinner, for instance?—From Mr. Raphael, I should keep that as an extraordinary autograph.

1429. Do I correctly understand, that in some letter of Mr. O'Connell's, an end was put to the negotiation at that time, in some letter civilly expressed towards you, but not so civilly as regarded Mr. Raphael, in some terms or other the matter ended?—The negotiation was terminated by a letter from me to Mr. O'Connell. The third letter, if at all received, was a mere civil expression, as to the termination of the negotiation, an observation upon the termination, not terminating it. I think that is so to the best of my recollection; but I will not speak with positiveness upon that part of it. Certainly, I terminated it as far as I was concerned; but I did, as I deemed it my duty to do, express Mr. Raphael's wish, that it should be kept open for a week or ten days, till he had visited Pomfret; but my observation to Mr. O'Connell was, that I would have nothing to do with it after that letter.

1430. In whatever terms it was ended, in point of fact, was it ended?—Certainly, as far as I was concerned, entirely.

1431. Did you communicate that to Mr. Raphael?—Decidedly. I told him that I should write such letter, notwithstanding Mr. Raphael's wish that I should not put an end to the treaty.

1432. Did you consider the matter altogether and entirely ended?—Entirely, as far as I was concerned; I expressed Mr. Raphael's wish that it should be kept open; but as far as I was concerned, I considered Mr. Raphael's negotiation at an end, and I should have supposed that Mr. O'Connell would have ceased to have anything to do with it after my letter.

1433. Do you remember the terms of your letter?—They were terms speaking of Mr. Raphael as a gentleman wanting that firmness and determination which appeared to me to be indispensable in affairs of that description; speaking nothing disrespectful of his principles, but only of the want of his firmness.

1434. You did not choose to be an instrument in conducting the negotiation further under these circumstances?—No; I recollect observing to Mr. Raphael distinctly, supposing either an address from you to the electors of Carlow should be produced at Pomfret, or an address to the electors of Pomfret should be produced at Carlow, pending the election, you would be destroyed at both places.

1435. You did not agree with him in the propriety of standing for both places?—Certainly not; I used the expression, I remember very distinctly, that in politics as well as in love, he must get rid of one mistress before he flirted with another.

1436. Did you not urge upon Mr. O'Connell to abandon all idea of Mr. Raphael?—Certainly, I did urge to Mr. O'Connell that he should abandon all idea of Mr. Raphael, and that if he chose to wait for Mr. Raphael it must not be in pursuance of my request, but against my opinion.

1437. Did you communicate to Mr. Raphael before you wrote?—Yes; I did not write a sentence of that letter that was not first stated to Mr. Raphael; if not in those words, in some words as strong.

1438. So that he was aware of your sentiments?—Yes.

1439. You say you have no recollection of seeing Mr. Hamilton at the Old Bailey?—I said that before I saw him; my eyes had been fixed upon another gentleman whose countenance I knew, but whose name I did not know, and whom I had mistaken for Mr. Hamilton. Now I recollect seeing Mr. Hamilton at the Old Bailey, but Mr. Raphael used to be visited by so many gentlemen who seemed to have private business with him, and being just about the general election time, I thought it was connected with elections, and therefore I avoided as much as I could collision with those gentlemen, that I might not be supposed to be pressing myself into a service which I certainly had no desire to enter into. There is a letter which I found amongst my papers addressed by me to Mr. Raphael, and which was given me back by Mr. Raphael upon the occasion of his coming to confer with me upon this Carlow business; if it is your pleasure (and that states what my sentiments were at that time about his Parliamentary proceedings), it is at your service.

1440. My question to you was, "Do you recollect having an interview with Mr. Hamilton?"—I recollect to have seen Mr. Hamilton at the Old Bailey, but I do

I do not recollect at all the subject of the conversation. I am not aware that it ever referred to Carlow.

1441. Can you undertake to say that you had not a conversation with Mr. Hamilton in which you expressed to him, that in consequence of the Sheriff's indecision, Carlow was out of the question?—I think it not at all unlikely that after that evidence of the indecision of the Sheriff, that I should have so expressed myself, that he had lost Carlow by his indecision. I thought so at the time, and I should therefore have said so if any person had spoken to me; but I do not know that I did.

1442. Assuming that Mr. Hamilton has said that he had an interview with you in which you stated that Mr. O'Connell had said that he had lost Carlow by his indecision, is that consistent with your memory?—If Mr. Hamilton, whom I believe to be a gentleman as far as I ever have heard, has said that I said so to him, it is very likely that I did say so. I will not contradict him, though I do not recollect it. I should have said so to any person authorized by Mr. Raphael to communicate with me.

1443. Is not that the result of the impression upon your mind of that correspondence, that Mr. Raphael lost that opportunity by his indecision?—Certainly, that Mr. Raphael by going to Pomfret, and my not recommending Mr. O'Connell to go on with him for Carlow, he lost Carlow; I have no doubt of it at all.

1444. As far as you were concerned, did not the matter there end in all Mr. Raphael's connexion with Carlow, as far as you knew of it?—Yes; and my connexion with Mr. Raphael in any election matter since, ended with that.

1445. Do you remember any expression of this sort, mentioned by you to Mr. Hamilton, that the Sheriff had lost Carlow by his indecision, and that Mr. O'Connell had looked somewhere else?—Of course, I cannot recollect having said that, because I do not recollect having ever had any conversation with Mr. Hamilton about Carlow; of course, I cannot recollect the particulars if I do not recollect the conversation.

1446. But the very words themselves might have suggested that?—No; but if Mr. Hamilton says that I stated to him that Mr. Raphael lost Carlow by his indecision, inasmuch as I thought then and think now that it is the case, if I was speaking to Mr. Hamilton, knowing him to be the friend and solicitor of Mr. Raphael, I should have said so.

1447. You are not prepared to say that it did not take place?—I will not say that, because if Mr. Hamilton says that it did take place, I will not say it did not; if any authorized friend of Mr. Raphael's had spoken to me upon the subject of that election, I should have said that he lost it by his indecision, meaning his indecision in balancing Pomfret and Carlow.

1448. You say, in the second letter there was something said about 500*l.* for current expenses; do you remember any other statement in the second letter about current expenses?—I do not at all; if there had been anything to vary the tenor of the first letter, I think I should have recollected it, for I was looking at it as a man of business.

1449. You had no other letter from Mr. O'Connell upon this subject, except those two or three letters that you have alluded to?—No, I had not.

1450. Mr. Serjeant Wilde.]—You were asked whether you showed that letter before you heard of Mr. Raphael's repentance of having made you under-sheriff; did you produce it in consequence of that?—I think I should have exercised my own judgment as to the propriety of showing it even to you; and I might not have done so, but a little piqued by Mr. Raphael's remark, I yielded to yours.

1451. Had you before that said that if at any time you should deem it proper to be shown you would show it?—I had.

1452. When you heard of the expression used by Mr. Raphael, was it ever asked of you whether there had been any cause of difference which had placed you in that hostility?—I really can hardly say whether you did ask; I cannot pretend to say; the conversation was very cursory; if you had appeared to me to have felt the necessity of asking such a question, it would have made an impression upon my mind.

1453. You do not understand. Were you asked, whether after the expression there had been any difference between you and Mr. Raphael?—I do not know.

1454. There had not been?—No dispute of any sort or kind as to money or official matters or anything of that kind; we had terminated any visiting acquaintance.

1455. Had that anything to do with any matters connected with the sheriff or under-

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under-sheriff?—Certainly not; I had expressed my opinion freely upon Mr. Raphael's indecision of character, and had resolutely declined being concerned for him in his political advancement.

1456. Has there been any disapprobation of your conduct as under-sheriff expressed by Mr. Raphael?—Never, to my knowledge; but on the contrary, I have had him repeatedly express to me his entire satisfaction of the manner in which I had discharged the duties of my office. If Mr. Raphael's now shaking his head means anything, I wish it to be stated out. Mr. Raphael's only dissatisfaction was, that I would not continue to act as his mentor and as his agent.

1457. Do you recollect whether you ever repented to any one that Mr. O'Connell had said that Mr. Raphael had lost Carlow by his indecision?—I do not recollect having so said.

1458. Do you recollect having destroyed or in any way disposed of any third letter?—Certainly I do not.

1459. You say you have searched and have been able to find only this one?—I have not searched for the third, but I have searched where the third would have been in searching for the second.

1460. Have you any reason to believe that you have a third letter?—Nothing more than the expression "vacillation" that has been used here; I think that that expression has been in a letter from Mr. O'Connell, and as it is not in the *first* and I do not recollect it to have been in the *second* there may have been a third, and that rather confuses me, and perhaps if I had time to reflect upon it, other circumstances might increase the recollection upon that subject, but I do not recollect at present, it is not unlikely that I may have received it, and I am satisfied that if it was, it was a letter only observing upon the previous termination of the treaty. If Sir Frederick Pollock has any instructions to examine me as to my conduct during the shrievalty, I hope he will do so; I will cheerfully answer any questions.

Sir F. Pollock.—Mr. Chairman, I have no such instructions, but I must add that I have none of any sort.

[The Witness withdrew.]

Nicholas Aylmer Vigors, Esq., was called in; and Examined as follows:

N. A. Vigors,
Esq.

1461. Mr. Serjeant *Wilde.*—YOU are a gentleman having property in the county of Carlow?—Yes.

1462. You are a native of Ireland?—Yes.

1463. You have represented the borough of Carlow?—Yes.

1464. And you are a magistrate in Ireland and deputy-lieutenant?—Yes.

1465. Have you taken an interest in the politics relating to the county of Carlow for some time?—Yes, more particularly since the year 1832, the time of the Reform Bill having passed.

1466. Were you elected in the Parliament of 1832?—I was, in the first reform Parliament.

1467. Were you then opposed by any connexion of Mr. O'Connell?—I had been opposed previous to the election by the brother-in-law of Mr. O'Connell, the present Member for Kilkenny.

1468. And you succeeded?—Yes.

1469. After the Parliament of 1832, were you in communication with any of the inhabitants of the county of Carlow upon the subject of the representation to Parliament for that county?—I was; I was in communication with the popular interest of the county of Carlow from the election of 1832, and from that to the present moment; I was chairman of the Independent committee, or of the Liberal committee of the county.

1470. When did you become so?—At the time of the registry in 1832, immediately consequent upon the Reform Bill.

1471. Has that committee continued to exist from that time?—It continues to exist at this present moment from that time.

1472. Who has been the secretary of that committee?—A Mr. Edward Michael Fitzgerald.

1473. Has a gentleman of the name of *Maber* been also a member of that committee?—A clergyman, the Rev. James Maber, has also been a member of that committee.

1474. A clergyman of the Roman-catholic persuasion?—Yes.

1475. You

1475. You are a Protestant?—I am a Protestant.

1476. Did you at any time, when in connexion with the gentlemen at Carlow, hear of Mr. Raphael upon the subject of his becoming a candidate for that place?—I did.

1477. What is the earliest date at which you heard of his name in connexion with Carlow?—In the summer of 1834.

1478. In what way did you first become acquainted with his name in connexion with the county of Carlow?—My attention was first called to Mr. Raphael by letters from the county of Carlow.

1479. What do you believe to be the earliest date?—The summer I should say of 1834; I cannot tell the precise date, but it was previous to July or August; I should say that it was about July.

1480. Will you look at that letter and tell me whether that is the letter which you received from Mr. Fitzgerald, the secretary of the Independent committee, and whether that was the first letter, or whether there were others before?—This letter I received from Mr. Fitzgerald.

1481. Had you been in correspondence before the date of that letter upon the subject of Mr. Raphael?—Yes.

1482. You received that letter?—Yes, from Mr. Fitzgerald.

1483. Did you receive it at its date?—I received it three days after its date.

1484. Were you, at the time of that correspondence, in communication with the gentlemen in Carlow who formed the committee upon the subject of finding a candidate to represent that county?—I had been in communication with them upon that subject for some time previous to this letter.

[A Letter was delivered in, dated the 10th September 1834, from Mr. Fitzgerald to Mr. Figgis, which was read as follows:]

My dear Sir,

I have just received your letter of the 5th instant, and have had Mr. Ponsonby's name inserted for a subscription of 5*l.* to Dr. Doyle's fund. I hope ere this the object of your visit to the sea has been accomplished, by the restoration to health in your family. I have been consulting our friend, Rev. Mr. Maher, upon the usefulness of your being present here, prior to the period for serving the notices for registry; he argues with me that your being here in time is most important; true, we can have notices served *pro forma*, but we have found heretofore that the parties have never come forward: also it is intended to have a meeting of the town and county committee convened at that period, and I do think the fact of your being present at such meeting would produce more notices of registry, particularly from the county, than 100 circulars directed to either priests or people. I am now preparing to forward circulars to the different parishes, requesting that I may have lists of such persons as are entitled to register against the 5th instant, and stating your presence is expected at that time. Until I see you, I shall defer saying any more upon the subject of town or county, but that it was never intended to take any step regarding a new candidate for the county, until you were upon the spot. Mr. Maher has wrote by this post to John Tyrrell relative to Raphael, and he thinks if you could bring him over here about the time of registry, we would have all our influential laymen in town, and likely all the clergy, as the consecration of Dr. Nolan will take place about that time. I may say that Mr. Ponsonby has declared officially his intention of offering himself to the Independent interest at the next general election.

1485. Did you afterwards receive the letter I now hand you from the same gentleman upon the same subject?—This letter I also received from Mr. Edward Fitzgerald.

1486. Were you deputed by the gentlemen at Carlow to seek for a proper candidate for the county?—I received their authority to seek for a proper candidate for the county.

[Extract of a Letter delivered in, dated the 23d of November 1834, which was read as follows:]

Mr. Wallace also states that he had a letter from you, in which you state that there being no immediate chance of a dissolution, you think it not necessary to be on the active look out for a candidate, &c.; he differs from you, and his reasons are, that if Peel will consent to join the Duke, and meet the present Parliament, the first vote of The House, as it is now constituted, would inevitably produce a dissolution; so that, under all the circumstances, if the Tories remain in office, a new election cannot be far distant. I had a long interview with the bishop this day; he agrees entirely with Wallace, and he has caused a circular to be addressed to the different parish priests to ascertain how we stand in the county; and in the course of a week I am to summon a meeting (private) of a few of the leading men of the county, with the clergy, to meet at my house,

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house, at which meeting Wallace will be present; in the meantime you should be on the look out for candidates. The bishop would prefer that you should be the person, on behalf of the county, that should apply to Raphael; rather than allow O'Connell (as the bishop says) to dispose of the county. I mentioned to you in my last what O'Connell said to me on the subject; from Wallace's letter to me this day, I think he is inclined to stand for the county, provided the expense was limited; indeed, I have thought it well to enclose you his letter; you can return it to me. I am now quite satisfied that we will have the active co-operation of the bishop and the clergy; he was with me two hours this day on the subject, and he is about to make an exertion to reconcile the Tory papists of the town; he has already prevailed upon Dooling to give up his action against Bolger.

I am, my dear Sir,

E. M. Fitzgerald.

1487. Did you also about the same time, November 1834, receive a letter from Mr. O'Connell, and is that the letter?—I received this letter from Mr. O'Connell two days after its date.

[A Letter, dated 26th November 1834, was delivered in, and read as follows:]

My dear Vigors,

We are all busied, preparing to fight the Tories, in all the counties and boroughs. Carlow county interests you more immediately. Wallace and Blakeney know they will not answer. The honest men there suggest Mr. Ponsonby, Lord Duncannon's son, and Mr. Raphael, the London Sheriff. Will you call on Lord Duncannon on this business. I wrote to him to say I would ask you to do so; first, however, you should see Mr. Raphael, and ascertain whether or not he would stand. We could secure him the county at inconsiderable expense; say, for the very utmost, 3,000*l*. You can tell him that I will be one of the guaranties of his success if he will thus come forward as the colleague of Mr. Ponsonby. Let me know without delay whether there be any chance of effectuating this plan.

Believe me always, my dear Vigors, yours most faithfully,

N. A. Vigors, Esq., &c.

David O'Connell.

1488. In consequence of your communications upon the subject of Mr. Raphael, did you see Mr. Raphael in 1834?—I saw Mr. Raphael in consequence of that letter and others received from the county.

1489. Can you give the date at which you first saw Mr. Raphael?—I cannot give the exact date of this interview which you refer to, in consequence of the letter from Mr. O'Connell. I had previously had interviews with Mr. Raphael on the same subject; the general subject of the Carlow county.

1490. Will you give the Committee the earliest date of your communication with Mr. Raphael upon the subject of Carlow?—My attention was first called to Mr. Raphael in the summer of 1834; it was in consequence of a letter I received from Carlow, stating that a Mr. Tyrrell, residing in London, had mentioned that there was a candidate, a gentleman of large fortune and independent principles, who was anxious for a seat in Parliament; and Mr. Tyrrell mentioned that he thought this gentleman would suit us; his name was mentioned; and it was referred to me to make some inquiries about it. I applied immediately to Mr. Tyrrell. At that time we had in contemplation that there would be a vacancy in the county, on the resignation of Mr. Blakeney; and I applied, in consequence of the letters I received from Carlow, to Mr. Tyrrell. Mr. Tyrrell told me that Mr. Raphael was then anxious for a seat in Parliament, and he promised to introduce him to me, and he consequently made an appointment at my house; and Mr. Tyrrell and Mr. Raphael came to my house about this time, which I cannot exactly state, but it was the summer of 1834. At that meeting, we spoke generally of the state of the county. I mentioned to him the opportunity that was likely to take place by the resignation of one of our Members; I stated the position in which the Independent interest stood; I stated that we were certain of success, but that we wanted a candidate who would not only pay his expenses, but would identify himself with the county. I mentioned that that was a *sine qua non*; that we had found ourselves involved previously in a most unpleasant predicament, being obliged to go out of the county to get a candidate of liberal principles, not being able to find one in the county. I stated to him that the candidate we looked for must identify himself with the county, must purchase property there, and, as representative of the Liberal interest of the county, defend them against the oppressions of the other faction, which had, in consequence of a former election, been extremely pressing. I pointed out all those circumstances to him; I told

him

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him all the difficulties of the case, and all the opportunities and best parts of the case, and explained to him the whole state in which we were at that time.

1491. Do you recollect whether you mentioned anything on the subject by whose authority you were acting, or with whom you were in communication?—I expressly declared to him that it was the Liberal committee of the county that had given me authority to look out for a candidate, or to treat with him, or communicate with him. I had not liberty, I considered, to conclude with Mr. Raphael at once, but to communicate to them my consultations with him. Mr. Raphael spoke in the strongest terms of his anxiety to be identified with us; he spoke of his wish to assist Ireland in general, and to assist the oppressed of the country; he professed most munificently his good intentions towards Ireland in general, and his wishes to assist us to a great extent; he spoke of expending thousands.

1492. You say he spoke of assisting us, whom do you mean?—The Liberals, and particularly those who were oppressed on the score of politics; he went so far as to state that he would be most anxious to identify himself with us, and gave me authority to look out for estates for him, and requested me to inquire whether there were any such then in the market. Our conversation did not go to particulars. I mentioned a certain sum that would be requisite for the immediate expenses, perhaps the sum of about two or three or four thousand pounds, that it would be absolutely necessary to advance; we went not into the particulars, but into generals; that was the substance of our conversation at that time.

1493. Will you be so good as to state anything that you said on the subject of the alleged oppression?—I stated the persecutions that had taken place in consequence of the election of 1832, the Conservative landlords having instituted most unfair proceedings against their tenantry; at that moment many of their tenantry being in a state of the greatest destitution and poverty in consequence of exactions of their landlords. I stated the whole of those persecutions most explicitly.

1494. You say that you mentioned in general terms the sums that would be necessary; for what did you explain that would be applied to?—In the first place, to the necessary and legal expenses of the contest; and what would be over that, I stated it to be necessary to have as a fund to support and assist the oppressed people of the county; and also for the purpose of the registry, and other matters attending upon the election.

1495. After this communication, upon what basis did you separate; what was the result of the interview between you?—The result of the interview was, that I considered, at any time, when a resignation of one of the sitting Members took place, or a dissolution, that we should have a candidate who would answer our purposes most admirably.

1496. Did Mr. Raphael then assent to your general statements?—He did, and expressed himself highly satisfied with the prospects that I laid before him.

1497. This took place in the summer of 1834?—It did.

1498. Had you one interview with him at that time only, or more than one?—I cannot positively answer that question; I might have had more, but I cannot say positively that I had.

1499. When next do you recollect any communication with Mr. Raphael upon the subject?—It was at the time when the dissolution was spoken of, about the latter end of November.

1500. About November 1834?—Yes.

1501-2. Will you state in what manner your communication recommenced at that time with Mr. Raphael?—I immediately applied, on receipt of Mr. O'Connell's letter and other letters which came much about the same time from the county of Carlow, to Mr. Tyrrell again, and I requested Mr. Tyrrell to make an appointment with Mr. Raphael, that we might come to an understanding together; he made an appointment at the Old Bailey, where Mr. Raphael was then acting as sheriff; the day I cannot state; but it was the latter end of November or the beginning of December; on that day I proceeded, in company with Mr. Tyrrell, to the Old Bailey, where I met Mr. Raphael, and there I renewed the conversation again with him, and laid the foundation for future interviews, when we could come to more particular details.

1503. Will you state what passed at that interview?—Mr. Raphael at that time was extremely busy, and several interruptions we received, and the nature of our communication was extremely general on that day; my great object was to appoint an interview where we could come to more particular details; and

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I generally stated to him then the same that I had stated before at the previous meeting at my house.

1504. Did a subsequent interview take place in which you discussed those particulars more at large?—Yes.

1505. How soon after your first meeting in November did your second take place?—Very shortly after.

1506. Where was that?—At Mr. Raphael's own house.

1507. Will you proceed to that interview, and state what took place, and who was there?—Mr. Tyrrell was present, and there I again renewed—

1508. Will you state as specifically as you can what took place?—I mentioned the approaching dissolution, the prospect of it, and that we were still in expectation of a candidate, such as he had professed himself to be. I stated generally the terms upon which we should expect him to come forward as our candidate; the terms were at that time, I believe I mentioned, 2,000 *l.* or 3,000 *l.*

1509. Will you state in what manner you introduced those terms, what it was for?—It was for the purpose of the contest; of course the expenses of the contest, the legal, the usual expenses of contest, such as were always applied to that purpose; and also knowing that there would be a surplus, I spoke of it as a fund for the purposes I have already mentioned, the support of the persecuted tenantry against the landlords.

1510. Will you just detail what passed at that interview?—There were other matters that I mentioned to him that were necessary for a candidate to support; other expenses, such as registry and many matters, charities and donations to public buildings, and matters of that sort, all which, I said that 3,000 *l.* would adequately cover. I went further to say that the whole of that should be left to himself, and he should see the whole of the expenditure; and I urged him that he should see the case, go to Carlow to ascertain the state of things with his own eyes, and that he should have the appropriation himself, or under his own superintendence, of the whole of those monies, so that he should be satisfied with the mode in which they should be appropriated.

1511. Was anything said about his becoming a member of the Liberal committee or Independent committee?—I cannot say that I mentioned it to him.

1512. You say that you mentioned to him about his going over to Carlow; will you state what passed upon that subject?—At that time he stated that he was in the midst of his official duties, and that he could not go.

1513. At what period did you propose that he should go?—My object was that he should go immediately, and introduce himself in person to the electors.

1514. Will you state what Mr. Raphael said upon the subject of his going?—He said that it was impossible for him to go over at that moment; that his official duties were such that he could not obtain leave; and at the same time I mentioned that it was not absolutely necessary that he should go; that it was no bar to his being a candidate. He said, he feared as he could not go he could not be a candidate; I said, there was no apprehension on that score, that there was sufficient excuse for his not going.

1515. Did you say anything upon the subject of his politics?—Yes; I was particularly anxious to know what his politics were, that we might have some express declaration of them. At a previous meeting in the summer, and also at those meetings in November, I urged that most particularly, and he gave me, as a pledge of what his principles were, his address to the electors of Westminster, which was sufficient in my eyes to guarantee him.

1516. Do you happen to have a copy of that address?—I have a copy of it but not about me.

1517. Can you produce it?—I am pretty sure that I can produce it.

1518. What did Mr. Raphael say upon those subjects?—He represented himself as coinciding with the politics of our county generally; he expressed himself most anxious to meet our terms; indeed, he seemed to think our terms extremely moderate. He spoke as if it were thousands more that he would give us beyond the sum that I mentioned; he also seemed in every way to coincide with my proposals; but he mentioned that he was treating for Pomfret, and if I mistake not, for other places, but he mentioned one place in particular, and that was Pomfret.

1519. And what did he propose should be done?—I proposed that he should make up his mind, and give me an answer as soon as possible; and I found it extremely

extremely difficult to get him to come to any decision. I was obliged subsequently to leave town myself previous to the general election.

1520. Before you left Ireland had he given you any answer?—I urged him to give me an answer before I went over to the electors for the county, but I could get no explicit answer from him.

1521. Did he ever positively decline, before you left town, becoming a candidate for Carlow?—I considered that he declined, from his not giving me a positive answer, which I had told him he must give.

1522. Did he ever in terms decline, or only omit to give you an answer according to your request?—I cannot say.

1523. Will you read that note?—[*A note being handed to the Witness.*]—That note is from Mr. Raphael, dated December 8th?—Yes.

1524. Had he given you an answer up to that time?—No, he had not.

1525. Did you afterwards receive that note from his solicitor, Mr. Few?—[*A note being handed to the Witness.*]—Yes, I received this.

1526. Did you leave London for Ireland without having received any answer from him at all?—I received no positive answer from him, but Mr. Few, who called upon me in consequence of that, mentioned to me so positively that he was engaged for Pomfret, that I took it for granted that was the case; but I do not think that I received any positive decision from Mr. Raphael himself.

[*Note, dated December 8, 1834, from Mr. Raphael, was read as follows:*]

My dear Sir,

Chancery-lane, 3 o'clock, December 8th, 1834.

I went directly from your house last night to my friend at Turnham Green, but regret to say that he had left home by the mail for Bath. He is expected back to-morrow or Wednesday, and I intend by this evening's mail to write to him to call upon you. I hope to be back myself by the latter end of the week.

Yours, faithfully,

Alexander Raphael.

1527. Had he said anything to you about this friend at Turnham Green?—Yes, he had; he said he expected some news respecting the borough for which he was in negotiation at the time, but that much depended upon the answer that he would receive from him.

[*The note, dated December 11th, from Mr. Few, was read as follows:*]

Sir,

Mr. Raphael has sent a letter to my partner, on the subject of a confidential communication he has lately received from you. Mr. R. is at present in the north, but returns to town, and has desired Mr. Hamilton to see you on the subject alluded to; as however Mr. Hamilton is now in Somersetshire, and will not return to town before Monday next, I shall be happy to wait upon you, if you have any desire to see me, at any time most convenient to you.

Your very obedient Servant,

R. Few, Covent Garden.

1528. Were you aware, when you had last seen Mr. Raphael, that he was going out of town?—Yes, he told me that he was going out of town; previous to that letter which I received from him, he told me that he was going a short distance, to Hammersmith, but he also mentioned, in the course of negotiation, that he was going to Pomfret.

1529. Did those notes terminate your communication about Carlow at that time?—Not those notes, for I wrote to Mr. Few, stating that I should be happy to see him, and Mr. Few called upon me a few days afterwards, and I had a communication with him, the result of which led me to believe that Mr. Raphael stood for Pomfret.

1530. Did that put an end to your communication at that time?—Yes.

1531. Up to this time, on whose behalf and by whose authority had you been communicating with Mr. Raphael; was it by Mr. O'Connell's, or the gentlemen of Carlow?—The gentlemen of Carlow, the Independent electors of Carlow.

[*The Witness withdrew.*]

Veneris, 4^o die Martii, 1836.

MEMBERS PRESENT.

Mr. N. W. Ridley Colborne.
Lord Francis Egerton.
Mr. Bannerman.
Mr. Baneby.
Sir Ronald Ferguson.
Sir John Yarde Buller.

Mr. Ord (Newcastle).
Sir Charles Broke Vere.
Mr. Warburton.
Sir Eardley Wilmot.
Mr. H. G. Ward.

Sir Frederick Pollock.

Mr. Serjeant Wilde.

Mr. NICHOLAS W. RIDLEY COLBORNE, IN THE CHAIR.

Sir Frederick Pollock stated that, according to Mr. O'Connell's promise, he had had an opportunity of examining Mr. O'Connell's account, and that it had occurred to him whether it would not be necessary for the Committee themselves to see the account, and that he had not shown the account to any person whatever.

Mr. Serjeant *Wilde* stated that if any such necessity arose, he should be perfectly ready and willing that the Committee should see the account.

Nicholas Aylward Vigors, Esq., again called in; and further Examined.

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1532. Mr. Serjeant *Wilde*.]—YOU yesterday detailed certain communications which had taken place between you and Mr. Raphael about the Carlow election, the first in the middle of 1834, and the second at the latter end of 1834, and you were proceeding to give an account of what had taken place in the early part of 1835: were Mr. Bruen and Mr. Cavanagh returned as members for the county of Carlow in the election of 1835?—In January 1835.

1533. Was any petition presented against the return of those gentlemen?—Yes.

1534. Who were the supporters of that petition?—The independent freeholders of the county, acting by their committee.

1535. Do you refer to the committee which has been before spoken of?—The same committee.

1536. You said that you were a member of that committee?—I was member and chairman.

1537. Did you take an active part in the support of that petition?—A very active part.

1538. Who was the Parliamentary agent employed in the conduct of that petition?—Mr. Baker, of Spring Gardens.

1539. By whom was Mr. Baker employed?—By myself, on behalf of the committee.

1540. Had you any communication with Mr. Raphael soon after that petition was presented, upon the subject of the prosecution of it?—I had several.

1541. Will you detail what passed between you and him on that subject?—I met him at various times, and explained to him the exact state in which we stood. I mentioned the nature of the petition, and the very great grounds we had to expect success. I mentioned to him that there was every probability of the seat being opened, and I referred to our previous negotiation, and told him that now was a favourable time for his uniting himself to the county, and identifying himself with the county and with the interest of the liberal party of the county; that our cause was good at the time, but that our funds were weak; that any gentleman situated as he was, who would aid us in prosecuting that petition, if in other respects suited to us as what we viewed him at the moment, that we would look upon him as having a claim to our support when the seat was opened. I stated to him the nature of the expenses that the petition would probably run to, and the expenses that the county would look to him to defray for that purpose, and entered generally—

1542. You

1542. You say you told him what expenses the county would expect him to defray, will you give the Committee a general statement of what you said to him upon the subject?—It was very general; I stated to him that the expenses of the petition might vary from 500*l.* to 1,000*l.*, but at the same time I stated that the county had subscribed to a certain extent, and that it was only certain assistance that we should expect from him, but not the entire. I then further added, that there were certain expenses which I had been already in negotiation with him about when the contest would ensue, but however I found that Mr. Raphael was by no means inclined—

1543. State the substance of what he said?—He stated in general that he was disinclined to run any risk; if the seat was opened, and there was a certainty of success, that then he would come forward and meet our wishes, but he generally stated his disinclination to run any risk on the occasion.

1544. Did he say any thing on the subject of expense, or the amount of it, or in what way he estimated that?—He stated that expense was no object to him; that in case of being returned, no expense he would consider as too great for the paramount object of his ambition; he spoke, in fact, of thousands that he would give, while I was telling him that we wanted a more moderate sum; he went far beyond me in his professions to meet our wishes.

1545. Had you one meeting, or more than one?—More than one, certainly.

1546. Did you continue the prosecution of that petition?—I did, or we did, rather; I on behalf of the committee.

1547. The committee came to a determination upon that petition on the 27th of May?—On the 27th of May the case was decided.

1548. Do you recollect being at a meeting at Crockford's Bazaar of the Zoological Society?—I was.

1549. Had you learnt the determination of the committee before you were at that meeting?—I learnt it at the meeting.

1550. Was that on the 29th or the 28th?—The 27th.

1551. At what hour of the day might it be; was it after the middle of the day?—It was between two and three; the decision of the committee took place at half-past one.

1552. Who informed you of the decision that the committee had come to?—Two gentlemen whom I had left at the committee-room previously to my leaving it; I was obliged to leave it at 12 o'clock, and those gentlemen I requested to let me know as soon as the decision had been given.

1553. Was Mr. Raphael in attendance upon that meeting of the Zoological Society?—He was.

1554. Was he present when the communication was made to you of the result of the committee?—He was at hand; I had been speaking to him previously for perhaps ten minutes on the subject of the business of the meeting for which we met, and he was immediately at hand when the two gentlemen came in and wished me joy of the success of our petition.

1555. Will you be so good as to state to the Committee what occurred between you and Mr. Raphael upon that occasion?—I immediately mentioned to him the decision of the committee as communicated to me, within perhaps a minute after it was communicated to me. We drew aside; I told him that now was an opportunity, now there was a certainty of the seat being opened, for him to follow up those wishes which he had expressed previously to me, now was the time to enter into the negotiation on which we had previously spoken. I told him at the same time that there was an absolute necessity for my immediately leaving town, to go over to Carlow to see after the county previous to the election, and that it was necessary that he should decide almost immediately, that no time was to be lost; he seemed still, as usual, undecided; but I insisted upon there being some immediate answer; I told him the necessity of an answer, and that if we could not decide with him, we must decide elsewhere. I then mentioned in general the terms that we would consider necessary for him to give.

1556. Just repeat what you said?—In consequence of his being anxious for a definite sum being mentioned, I mentioned the sum of 2,000*l.*

1557. Just tell me what had preceded the expression of his wish that a definite sum should be mentioned?—My wish was that he himself should examine
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what the necessary expenses were, that he should himself defray those expenses, and that instead of handing the money to me or to the committee, or to any one else, that he should himself be the disburser of his own money for those necessary purposes which would forward his election; but he did not wish, as he expressed himself, to have any thing himself to say to it; he expressed his wish to give a definite sum, and to have no further to say to the disbursement of that sum. In consequence of that I mentioned the particular sum of 2,000*l.* He stated in answer to my offer, that he would give much more than that, but that still he did not like risking even that small sum upon an uncertainty, and I told him that we were also much in the same predicament as he was; that we did not wish to set up any gentleman as a candidate for a county, and most probably return him, unless we were certain that we had the money to pay his expenses, and I proposed that something half-way should be determined on between us, and that instead of his giving us 2,000*l.* beforehand, or instead of our returning him without any money, that he should advance half the sum immediately, and the other half on his return. Mr. Raphael acquiesced, as far as I understood, in the justice of those terms, but he seemed still to hesitate, and he said he wished to consult his friends; and upon my stating that he must determine, for that I must have an answer within a day, that I had not 24 hours to remain in town, I asked him then what friends he would wish to consult, and he immediately mentioned his friend Mr. O'Connell. I acquiesced in the justice of his choice, and I said that Mr. O'Connell was exactly the man to whom I should wish the whole matter to be submitted. I left him then under the impression that he was to leave the whole matter to Mr. O'Connell, and it depended entirely on following up this negotiation with Mr. O'Connell whether he was to be our candidate or not. I immediately left him, in the expectation certainly that we should agree, and returned to my friends, to whom I mentioned that I had a negotiation with Mr. Raphael, and that it was left to a mutual friend, and that although not immediately decided on, yet still that the decision was most probable that he would stand as candidate.

1558. Had Mr. O'Connell's name been mentioned or suggested by you before Mr. Raphael, in answer to your question of who the friend was that he wished to consult, named Mr. O'Connell?—Mr. O'Connell's name had been mentioned, but not as the friend or negotiator; we had mentioned his name, for, in fact, I had been speaking of other candidates to whom we should most likely apply in case of his refusing us, and in order to urge him to an immediate decision, I mentioned that there were other names, and in the course of that conversation Mr. O'Connell's name was incidentally introduced; but the proposition of leaving the settlement and completion of the treaty to Mr. O'Connell originated entirely with Mr. Raphael.

1559. Was Mr. O'Connell mentioned in any way, except as you have stated, as the person who would be, in communication with others, likely to become candidates, or in any other way except as referee, as you have now mentioned?—In no other way, except as referee.

1560. Did you endeavour to see Mr. O'Connell after that?—I made it a point to see him as soon as possible afterwards.

1561. And how soon did you see him?—The same evening.

1562. What communication did you make to Mr. O'Connell?—I mentioned the conversation that I had had with Mr. Raphael, and I told him that I wished that he would follow it up, and I mentioned the particular terms on which I authorized him to conclude the arrangement with Mr. Raphael.

1563. Will you be so good as to state what the terms were?—The terms were those which I had proposed to Mr. Raphael, 1,000*l.* to be paid immediately, and 1,000*l.* to be paid on his return.

1564. And to what purposes were those sums to be applied?—The application of those sums were to election expenses in general, and the expenses arising out of the election; the application of the first 1,000*l.* was, as I expressed myself to Mr. Raphael, to be to the payment of part of the expenses then incurred for the petition that had just been decided at the moment, and the other part towards the ensuing election expenses, the expenses arising out of the contest; the second 1,000*l.* I generally stated was to be given to the fund, which I had always mentioned to him it was necessary for a candidate to subscribe

subscribe to, for the purpose of protecting the voters and registering expenses, and the incidental expenses attending the election in the county. *N. A. Figgis, Esq.*

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1565. What are the registering expenses?—There are four times of registering in Ireland, at the Quarter Sessions; the applicants on both sides are generally opposed, indeed almost invariably by the opposite party, and there are always counsel and agents employed at considerable expense; there are expenses again for valuing their grounds; that is necessary before they appear. As the cases are now carried on, there is as much acrimony and as much difficulty in registering a man as there is in carrying on the election afterwards; every case almost becomes a *nisi prius* case; in some instances a whole day is consumed on the estimation of the value of a particular franchise, and considerable expense of all kinds is incurred.

1566. Had there been distress alleged to arise from the persecution of persons who had voted in a particular manner; had such a state of things existed in Carlow?—Very considerable distress had existed subsequent to the election of 1832, up to the period to which I now speak.

1567. Had a fund been created for the relief of those persons, and did you subscribe to that fund?—A very considerable sum had been subscribed to the relief of those men.

1568. When Mr. O'Connell was referred to, was there any thing said or understood, as far as you could collect from what passed, that Mr. O'Connell was to have any thing to do with the distribution of the money?—Certainly not.

1569. To whom was Mr. O'Connell to account for that money?—He was to account to me on behalf of the liberal committee. Mr. O'Connell was but the banker in whose hands it was deposited, and to whom we were to apply as we wanted the money.

1570. You say you saw Mr. O'Connell on the evening of the 27th, after you had seen Mr. Raphael, did you see him again between that time and the 31st, which was on the Sunday following?—I cannot say; I might have seen him, but I certainly saw him on the Sunday.

1571. Did you see Mr. Raphael in that interval?—Yes, several times.

1572. Had you any conversation with him upon the subject of his having seen or of not having seen Mr. O'Connell?—Yes; he mentioned to me at different times his being disappointed in seeing Mr. O'Connell, and also mentioned the reasons why he had met with those disappointments; he made one or two appointments with Mr. O'Connell, and he was late by his own fault or by Mr. O'Connell's fault, I do not know which.

1573. Do you remember seeing Mr. Raphael on the 31st, the Sunday morning?—Yes.

1574. At that time were you anxious to be quitting London for Ireland?—Particularly anxious; I was anxious day by day.

1575. Were you waiting for other purposes in general, or for Mr. Raphael's answer?—I was waiting only for Mr. Raphael's answer.

1576. What passed between you and Mr. Raphael when you saw him on the Sunday?—I saw him at his own house on the Sunday morning, and he then stated to me that he was to have an interview with Mr. O'Connell in the course of the day; I think he mentioned one or two o'clock; he said that he would probably call on me at my house as soon as he had an interview with Mr. O'Connell, but said nothing decisive upon that point, so much so that I did not wait at home, knowing that his appointments were not kept so punctually as those of gentlemen in general. At about half-past two o'clock, not hearing anything from him, I came down to ascertain the fact, whether the agreement had been followed up, whether the whole arrangement was perfect or not; I was going down to Mr. O'Connell's; I passed through Berkeley-square in my way down; and as I was on my way I was stopped by a call from a carriage in the street; I recognized the voice of Mr. Raphael; I stopped and was accosted by Mr. Raphael; I stepped up to the carriage, and he then mentioned to me that he was happy to tell me that every thing had been concluded between him and Mr. O'Connell; I shook him by the hand, and told him I should be off immediately by the mail, and told him that I was sure he would have good success.

1577. Are you quite clear in your memory as to Mr. Raphael having stopped in his carriage and told you that he had been to Mr. O'Connell?—I am perfectly clear upon that point; there is no circumstance that I am better acquainted with than that fact.

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1578. Did you, in consequence of that communication, go to Mr. O'Connell?—I did, immediately, and saw Mr. O'Connell, and had a few minutes conversation with him, in which he told me that all was satisfactorily concluded with Mr. Raphael; he also mentioned to me that he had exceeded my authority a little; that he had pledged himself to Mr. Raphael; that in case of there being but one liberal candidate returned, that candidate should be Mr. Raphael and not myself; I immediately answered, that he might promise him that with very great ease, for if we returned one we should certainly return two, and I was perfectly willing to enter into that pledge.

1579. Did Mr. O'Connell mention any other terms in respect to which he had departed from or exceeded the authority you had given him to arrange with Mr. Raphael?—Not at that time.

1580. Did you afterwards learn any thing upon that subject?—I afterwards found out many weeks afterwards that he had gone further in his arrangement with Mr. Raphael than I had contemplated; but it did not originate in his exceeding his authority, or in his supposing that he had exceeded his authority, but in some misapprehension, as I understood, of what my meaning was when I proposed the terms to him.

1581. Will you state to what particular condition in the arrangement your remark refers?—It refers to the introduction of the word petition into the arrangement between Mr. O'Connell and Mr. Raphael.

1582. Do you mean the word petition in reference to the second 1,000?—Yes.

1583. In what manner did you express yourself to Mr. O'Connell on the subject of the arrangement which he reported to you he had made; did you acquiesce or disapprove?—I acquiesced when I came to be acquainted with it; I was not acquainted with it until several weeks after the return, but as soon as I saw it I entirely acquiesced; that is, I said that it could not be helped.

1584. Did you feel bound by what Mr. O'Connell had adjusted?—I felt myself completely bound, though I considered it a mistake.

1585. At the time you left him on Sunday, was it your understanding that the arrangement had been made in conformity with what you had suggested?—Yes.

1586. You mentioned having met Mr. Raphael in some square; in what square was it?—In Berkeley-square.

1587. Was he in the carriage alone, or was there any body with him?—There was a lady with him.

1588. Had you, prior to this time, had any communication with Mr. Raphael upon the subject of his becoming a member of that Carlow committee, which was to have the distribution of the funds?—I cannot say that I had; it is most probable that I had; I cannot say I spoke to him of becoming a member of our association, but it was most natural that I should have done so.

1589. You say Mr. O'Connell was to keep this money till called for, merely that he was the banker of the money?—Until called for.

1590. How soon after this time was any application made to Mr. O'Connell upon the subject of money; was he required to furnish any funds?—I believe that no application was made to him that he should furnish any particular portion of the money.

1591. Will you look at that letter, and tell the Committee whether you received that letter in the course of post—[a letter being handed to the Witness]?—Yes, I received that letter from Mr. O'Connell in the course of post.

1592. Did you afterwards receive any sum of money by the post from Mr. Fitzpatrick?—I received immediately afterwards, I think the next day, a sum of money from Mr. Fitzpatrick.

1593. Is that your acknowledgment, returned to Mr. Fitzpatrick, of the receipt of it—[a paper being handed to the Witness]?—Yes.

1594. Is that Mr. Fitzpatrick's letter that covered the remittance—[another paper being showed to the Witness]?—This is Mr. Fitzpatrick's letter.

1595. Did you, on the day after you received the first letter that was put into your hands, relating to a remittance of 500*l.*, receive that letter with the bill enclosed, which I now hand to you?—Yes, this letter I received on the 16th, from Mr. O'Connell.

1596. Did you receive that bill at the same time—[a paper being handed to the Witness]?—That bill I received, I see my endorsement upon it.

1597. Did

1597. Did you immediately discount that bill?—I sent it to my banker's by the same night's post. N. A. Vigors, Esq.

1598. Had you credit for it?—I had by letter, received the next day.

1599. Is that the banker's letter to you, acknowledging the receipt, and giving you credit for it—[a letter being handed to the Witness]?—Yes.

4 March 1835.

1600. Do you happen to know whether Mr. Ayre, upon whom that bill is drawn, is an agent conducting pecuniary transactions for Mr. O'Connell?—I have heard so.

[A Letter, dated Thursday, Clarges-street, from Mr. O'Connell to Mr. Vigors, was read, as follows:]

My dear Vigors,—I send to Fitzpatrick this day a draft for 500*l.*, to be remitted to you; let me hear from you so soon as you receive this; I will make you a further remittance to-morrow. The letter I got from Fitzpatrick this day is very discouraging; he tells me that success is exceedingly doubtful, at least that is the result of his communication to me. I need not say how impatiently I will await your reply. I am guarantee to you for the terms you required from Raphael, and guarantee to him for your part of the contract. To-morrow I will write to you again; it will be a grievous blow to me if the evil anticipations of Fitzpatrick be correct; he almost persuaded me by his creaking from sending you this money, but I feel myself pledged to you to send it. I am sure no exertion will be spared on your part to procure success. Lord Duncannon's son wrote to the tenants of his property, expressing a strong wish that they should vote for both the popular candidates. He told me so himself, and the only reason why the letter was written by the son is that the father being a peer could not interfere. The draft for 500*l.*, which I sent to Fitzpatrick for you this day, is at sight; he will send you down bank notes on your voucher.

Believe me to be, very faithfully yours,

Daniel O'Connell.

1601. Did you receive that under a frank?—Yes.

1602. Have you got the envelope?—I cannot say that I have.

1603. Mr. O'Connell refers to the creaking of Mr. Fitzpatrick; what were your prospects then?—They were most particularly brilliant.

1604. Mr. Fitzpatrick was in Dublin?—Yes, and my answer, you will observe, to Mr. Fitzpatrick mentions our prospects.

[A Letter, dated June 13th, from Mr. Fitzpatrick to Mr. Vigors, was read, as follows:]

Sir,

27, Eccles-street, Dublin, June 13th, 1835.

I have the honour to transmit you (vide the first page) a bank order, amount 500*l.*, confided to me by Mr. O'Connell for that purpose. You will have the kindness to acknowledge its receipt by return of post; and if any service can be rendered here, as regards the Carlow election, I shall be happy to undertake its effectuation, not only for the good cause generally, but in an especial manner for a gentleman to whom that cause stands so much indebted. I have the honour to be, Sir, your faithful servant,

P. F. Fitzpatrick.

[A Letter from Mr. Vigors to Mr. Fitzpatrick was read, as follows:]

Dear Sir,

Carlow, June 14th, 1835.

I this morning received your letter enclosing an order on the Carlow provincial bank for 500*l.* To-morrow we commence our contest, with every prospect of success. It will be a hard struggle, but the result will be by no means doubtful. Our majority will be from 30 to 60. I have written to Mr. O'Connell by this night's post, to inform him of our bright prospects, and shall daily communicate our progress.

I am, dear Sir,

Your obliged faithful servant,

N. A. Vigors.

1605. Did you get that 500*l.* in bank notes, according to the terms of the order?—Yes, I got the order cashed at the provincial bank.

[A Letter, dated Friday, from Mr. O'Connell to Mr. Vigors, was read, as follows:]

My dear Vigors,

London, Friday.

I sent you yesterday, per Fitzpatrick, 500*l.* in cash. I now inclose you my bill for 300*l.* at 61 days, which my banker will cash. I include the discount. You will thus have 300*l.* out of the first 1,000*l.* of Raphael's money. I am responsible to you for the remaining 200*l.*, and for another 1,000*l.* in the event of success. You shall have them on demand. I will to-morrow send you Raphael's qualification, less it should be required.

In haste.

Faithfully yours,

Daniel O'Connell.

N. A. Vigors, Esq.

N. A. Vigors, Esq. 1606. Was this bill ever returned to you, or after you had credit for it at your bank, did you hear any thing more of it?—I never saw it or heard of it till the present moment.

Mr. Serjeant Wilde.—This is a bill, dated June the 12th, 1835, drawn by Daniel O'Connell upon Joseph C. Ayre, of Eccles-street, Dublin, and is for the sum of 3011 sterling, at 61 days. It appears to be endorsed by Mr. O'Connell, and the endorsement is, "Pay to the order of N. A. Vigors, Esq.," and afterwards an endorsement, "Pay to Messrs. Ball & Co., bankers. N. A. Vigors."

[*The same was delivered in.*]

[*A printed Letter, dated 25th of June, was read, as follows :*]

Sir,

Dublin, 17th June 1835.

We are favoured with your letter of 16th instant, enclosing first halves of notes 300*l.* and bill, amount 304*l.*, which shall be placed to the credit of your account, the former on receipt of second halves.

We are, Sir,

Your most obedient servants,

N. A. Vigors, Esq.,
Carlow.

J. B. Ball & Co.

1607. After your leaving London, did you receive those letters from Mr. Raphael?—[*Three Letters were handed to Mr. Vigors, which he examined*]:—I received those letters.

[*A Letter from Mr. Raphael, addressed to Mr. Vigors, dated the 11th of June, was delivered in.*]

Mr. Serjeant Wilde.—The early part of the letter refers to his duties as sheriff, in procuring the respite of a convict, and then it proceeds:

[*An extract from the Letter was read, as follows :*]

It is out of my power to be with you prior to the election, but in the event of my being returned for your independent county, I shall certainly pay my honest constituents an early visit, to thank them *vis à vis* for the honour conferred upon me. I am in constant communication with Mr. O'Connell; in his letter of to-day he says, all well, quite well, is Carlow. I have only to add this, I shall be most happy to hear from you as often as you could spare to write to me. I wish I could frank this. Yours most faithfully,

Alex^r Raphael.

[*A Letter from Mr. Raphael to Mr. Vigors, dated the 15th of June, was read, as follows :*]

My dear Sir,

Great Stanhope-street, June 15th, 1835.

I received this morning, as I had hoped, your kind and cheering letter, by which I find mine of the 11th has not reached you. I again regret to say that it is impossible for me at this time to absent myself from my official duties, nor does Mr. O'Connell whom I left only a few minutes ago, think there is any necessity. But I have made up my mind, in the event of being returned the proud member for the county of Carlow, to leave London during the course of this month, to thank my patriotic constituents individually and collectively for all their kind exertions in my favour. I know your time is very precious, but I need not say that only one line from you every morning during this critical period will be considered by me as an act of kindness on your part. If I can be of any service to you during your absence from home, you may command it.

Believe me, yours very faithfully,

N. A. Vigors, Esq.

Alex^r Raphael.

[*A Letter from Mr. Raphael to Mr. Vigors, dated June 16th, was read, as follows :*]

My dear Sir,

Great Stanhope-street, 16th June 1835.

I am rather disappointed at not hearing from you by this day's post, which I shall attribute to the little time you have to spare from your anxious and fatiguing exertions in our joint and, I trust, successful cause. In yesterday's *Globe* was the following passage, which I have extracted, and send you for your perusal, to make any use of it which you may think proper: "It is a curious fact, that the two candidates now opposing each other for the representation of Carlow county (Mr. Raphael and Mr. Kavanagh) should have been school-fellows together at the same Catholic school in the vicinity of London." I certainly was at school with two Kavanaghs, brothers, and I regretted much to hear that they had changed their religion, and the more so as at school we were great cronies.

Believe me, my dear Sir, yours very faithfully,

Alex^r Raphael.

1608. Did

1608. Did you also receive that letter from Mr. O'Connell in the course of *N. A. Vigors, Esq.*
post?—[*a letter being handed to the Witness*]—Yes, I did.

[*A Letter from Mr. O'Connell to Mr. Vigors, dated the 15th of June, was read,*
as follows:] 4 March 1836.

My dear Vigors,

London, 15th June 1835.

I enclose you Raphael's qualification. If demanded, it is to be handed to the sheriff, no matter who demands it; all that is necessary is to give it to the sheriff. I also enclose you the description of Mr. Raphael for his return. He carefully reminded me of our engagement, that if but one liberal could be returned, he is to be the man. This certainly is the fact. Get a communication made to any person selling an estate in Carlow to let me have the particulars. How I long for your success. Pray, pray let me have daily bulletins.

Ever, my dear Vigors, most faithfully yours,

N. A. Vigors, Esq.

Daniel O'Connell.

1609. On whose behalf did you receive those two sums of 500*l.* and 304*l.*?
—On behalf of the liberal committee.

1610. By whom and how were those sums disbursed?—Some portion of it was paid by myself towards some of the legal expenses, some others of the legal expenses, the payment of the inspectors and clerks, were paid by the hands of Mr. Welch, my agent. I gave him the money; some of them were paid by cheques upon Dublin for my bankers; the cheques I gave to the same Mr. Welch; some I gave to the persons themselves.

1611. Were the sums disbursed by you?—There were some disbursed immediately by myself.

1612. And who besides yourself disbursed a portion of the money?—There was a certain portion of it I handed to Mr. Fitzgerald, who paid several of the bills for entertainments and matters of that kind.

1613. Is that the gentleman who acted as secretary for the Carlow committee?—Yes.

1614. Had Mr. O'Connell any thing to do with the distribution or application of that money?—Nothing upon earth.

1615. You proceeded to the election and were returned, and subsequently to that a petition was presented?—Yes.

1616. In consequence of that petition, did you and any other of the members of the Carlow committee come to London?—I was in London at the time.

1617. Did any of the Carlow committee come to London?—Several of them.

1618. Do you recollect when first after you returned to London, subsequent to the election, any application was made to Mr. O'Connell for any portion of the money that was in his hands?—Not until the 28th of July.

1619. By whom was the application then made; was it made by you or by your authority?—It was made by my authority; at that time we wanted the money to pay part of the petition expenses, and I desired the secretary of our club, who was acting for us, to apply to Mr. O'Connell for a sum that was then wanted, which was about 300*l.*

1620. Mr. Fitzgerald you say?—Yes.

1621. Will you tell me whether you know any thing about that cheque being received on the 28th of July?—This cheque was received in consequence, and was handed to me by Mr. Fitzgerald.

Mr. Serjeant *Wilde*.—This is one of the cheques that was proved by the banker's clerk when here.

[*The same was delivered in, being a cheque drawn on Messrs. Wright & Co., dated 28th July 1835, by Daniel O'Connell, Esq. on behalf of N. A. Vigors, Esq. for 300*l.**]

1622. Were any subsequent applications made to Mr. O'Connell for the balance of the 2,000*l.* which had been paid to him by Mr. Raphael?—Before we applied for a balance we applied for another sum, I think 200*l.*

1623. Was that cheque, dated the 3d of August, received in consequence—[*a cheque being handed to the Witness*]—I think it was the cheque I received.

[*The same was delivered in, being dated the 3d August 1835, drawn on Messrs. Wright & Company by Daniel O'Connell, Esq. for election expenses for 250*l.**]

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1624. Who was the person that you directed to make application to Mr. O'Connell upon the subject of this money, as you required it?—Mr. Fitzgerald, the secretary.

1625. Was any other person authorized by you or by the committee to call upon Mr. O'Connell for those monies, or was he the only person?—He was the only person.

1626. Had any question arisen upon the hearing of the former petition against Mr. Wallace and Mr. Blackney, as to opening the registry of that time?—Yes.

1627. Had the committee refused to do so?—Yes.

1628. Do you remember the ballot for the committee upon this last petition against yourself and Mr. Raphael?—Yes, I do recollect it.

1629. What day did that take place?—The 28th of July last year.

1630. Had you any communication with Mr. Raphael upon the subject of that petition, before the day of ballot of that committee?—Yes, a good deal of general communication.

1631. Will you state the general nature of those communications?—It was with reference generally to the attendance on the committee-day, the number of members that would be down.

1632. Did you confer with him upon the subject of your petition, and your prospects and expectations?—Yes, I explained to him that it was the same petition that was successfully opposed in 1833 upon the same grounds; and I believe that the petition was nearly similar in substance, at least there were the same allegations.

1633. What opinion did you entertain and express as to the probable success of that petition before the ballot?—That I had every hope of success, if we got a committee that would try it as fairly as the preceding one.

1634. Were your hopes raised or depressed after the ballot?—Most considerably depressed, annihilated; not depressed, but annihilated; I had no hope at all.

1635. Did any question arise before that committee as to the opening the registry, and how was it determined?—A question rose as to opening the registry, and the committee determined on opening it.

1636. Do you recollect enough to say whether that determination was to open it generally, or to open it with regard to votes that had been objected to at the registry?—It was not opened generally; it was opened only with regard to votes that had been objected to at the registry of 1832.

1637. Had there been any difference in the conduct of the opposing parties at that registry with regard to taking the objections; on one side were they more active in taking them, or were they equally active?—There was a material difference, which operated to the disadvantage of the liberal cause, when this provision was added to the opening of the registry. In the general registry of 1832, the liberal party had taken no objections, unless upon very strong grounds, such as flagrant cases; the general principle was to extend the franchise as liberally as possible, and I myself, as chairman of the committee that regulated that matter, had given instructions to our counsel and agents to oppose no man who had the shadow of a franchise, and the consequence was, that generally speaking very few were objected to; some few were objected to by individual freeholders of the county, but none by us, with one or two flagrant exceptions, I can scarcely say that even those existed; but few certainly were objected to by the committee itself.

1638. What was the course taken at that registry by the opposing party in politics?—Almost every man who was a Catholic was objected to, and every man, I believe there was no exception, that was supposed to belong to the liberal party.

1639. Did you feel that you were in a state of disadvantage from that opposite course taken by the two parties at the registry, one urging objections as far as they could, and the others not interfering?—Considerable; before the committee we were under considerable disadvantage.

1640. After that determination did you confer with Mr. O'Connell and your counsel as to the probable effect of that determination upon the petition?—I conferred with my counsel particularly, and with Mr. O'Connell generally, but I cannot say that I had any particular conversation with Mr. O'Connell—I had general conversation with him on the subject, and with my counsel particularly.

1641. What

1641. What was the view you then took under the advice of your counsel of the probable result of the question?—That it would be much wiser for us to resign at once and allow our majority to be knocked off, and the members who petitioned to come in; and to save the other votes which most probably would be struck off, to the injury of our cause in the county.

1642. Was that the opinion formed after the consultation with counsel?—Yes, it had been formed indeed previously, but was confirmed by consultation with counsel.

1643. Will you do me the favour to bear in mind your communications with Mr. Raphael after the presenting of the petition, upon the subject of that petition and its prosecution prior to the 4th of August. Will you give a detail of what passed?—I have already stated the nature of our general conversations up to the striking of the committee, that is on the 28th of July. On the 28th of July, as soon as I saw the constitution of the election committee, I referred immediately to my own committee, to the liberal committee, the composition of that committee, and we all agreed that our case was hopeless; the same night I saw our counsel and he rather confirmed, indeed he perfectly confirmed our own opinion that the best course was immediately to resign to save ourselves further expense and to save the county certain loss; and my immediate object then was to come into communication with Mr. Raphael to let him know this decision. The same night, on returning to the House of Commons from my counsel's chambers, I saw Mr. Raphael and took an opportunity to make an attempt to communicate this decision to him, but he would listen to no observation of mine upon the subject; he stated that the whole of the conduct of the petition he left to Mr. O'Connell, and that he would not interfere, while I urged the necessity of coming to some decision, that he must at once hear us and confer with us, and we must decide what course we should take, but he would not do so; he referred me again and again to Mr. O'Connell, and then I stated that it was necessary that Mr. O'Connell should have an interview with him, to which he assented; the object then was to have an interview between him and Mr. O'Connell and myself, in order that the substance of what I had wished to communicate to him should then be communicated to him through Mr. O'Connell, as he would not listen to it from me, and after various attempts to bring about an interview from the 29th and 30th till the 2d of August, various delays ensuing on the part of Mr. Raphael, on the 2d of August there was an interview between Mr. O'Connell and Mr. Raphael, but it was merely to make another appointment on the 4th of August; on the 4th of August was the first opportunity that Mr. Raphael would allow us to have to communicate our decision and our prospects at the moment to him, from the 28th of July to the 4th of August.

1644. In that interval, between the 28th of July and the 4th of August, had the committee proceeded to discuss some of the votes; had they struck off any?—They had gone as far as opening the registry, and I am not quite certain whether they had gone as far as striking off a vote, but I believe they had.

1645. Had your estimate of the result of the petition altered at all between the 28th of July and the 4th of August, or did you continue equally desponding?—My own opinion was not altered; it was the same on the 28th of July as it was on the 19th of August, when the decision was given. My own opinion never varied from beginning to end, but was confirmed by every day's proceeding.

1646. You said that you had thought it better to submit to the majority being reduced in a committee than expose the county to loss; what loss did you mean?—There were a very considerable number of voters, a class of voters that came under one head, and if one of whom was to be knocked off, all the others would be equally so, as we were given to understand. There were, I think, 70 depending upon a legal point.

1647. Did you mean the loss of votes being struck off when you referred to the loss of the county?—Yes, a loss of votes upon the registry.

1648. Who was the Parliamentary agent employed in resisting this last petition that we are now speaking of?—Mr. Baker.

1649. By whom was Mr. Baker employed?—By myself.

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1650. Had Mr. O'Connell any thing to do with the employment of Mr. Baker?—Nothing in the world.

1651. Do you know at that time whether any matters had occurred of pretty much notoriety in the House of Commons, to occasion a difference between Mr. O'Connell and Mr. Baker?—Yes.

1652. On whose behalf did you employ Mr. Baker?—On behalf of the then sitting members; in point of fact, on behalf of the Committee who were conducting the case for the sitting members.

1653. In the name of the sitting members, but under the sanction of the committee?—Yes.

1654. Will you state what took place on the 4th of August between Mr. Raphael, yourself and Mr. O'Connell: where did the meeting take place?—At the Westminster Reform Club, 24, George-street.

1655. What took place upon that occasion?—Mr. O'Connell opened the conversation by stating the hopelessness of the case, that it was completely lost, and he stated the decision of the Carlow independent committee, that it would be better to resign at once, without incurring further expense or sacrifices of votes on the part of the county, and suggested to Mr. Raphael whether we should not then resign at once, or whether we should go on until the 1,000*l.* was expended; the 1,000*l.* which we had determined to appropriate to the expenses of this petition. Mr. Raphael acquiesced in general in the justice of our remarks, in the truth of the statement that was made of the hopelessness of the case, and the justice of resigning, but at the same time he held out prospects, or inquired whether there were not prospects, of protracting the defence to a lengthened period, whether it might not be protracted, in fact, until the prorogation of Parliament; in which case he stated his anxiety to continue the defence; that he would give any sum if it could be protracted to that period. In referring to the prorogation of Parliament, he thought that he could retain his seat during the vacation, until the report would be submitted to the House of Commons on the ensuing session, and thus that he would retain his seat for nearly six months; this was merely a speculation of his, a suggestion of his, whether it might or might not be so protracted, but he came, after a good deal of conversation and speculation on those points, to a decision that he himself would undertake the whole of the expenses of protracting the defence beyond the 1,000*l.* day by day, and that he would at all events protract it for a day or two, for the purpose of seeing what the chances were of still further protracting it. On that understanding we left him, and the meeting broke up.

1656. Was there at that meeting any suggestion, either by Mr. Raphael or by yourself or Mr. O'Connell, of any prospect or probability of the ultimate expense?—Not the smallest.

1657. Was any other reason suggested for protracting the defence or resistance to the petition, except the hope of continuing the seat for some limited time?—No other reason; the only reason was that of protracting it day by day, in hopes that something would occur. It was stated, I must say, that the death of the King might take place. Such matters as those were suggested.

1658. The chances by delay?—Yes.

1659. What did you say to that?—I stated that, as far I myself was concerned, it was perfectly immaterial to me whether I remained a nominal member or not; I believe I stated that I would not give 1*s.* or 5*s.*, or such a paltry sum, to remain a member for a longer time; that I had no wish to protract it on my own account, but that I could not enter into the feelings of others.

1660. What was the agreement you came to respecting the second 1,000*l.*, and respecting its application?—The agreement that we had previously come to, and which, of course, was referred to then, was that that 1,000*l.* should go to the expenses of the petition; that was understood by Mr. Raphael himself, that the second 1,000*l.* was to go to the expenses of the petition then pending.

1661. Was it understood that it was expended, or that a proportion still remained?—That a proportion still remained.

1662. It was stated that Mr. Raphael should take upon him the expense of protracting the committee beyond that 1,000*l.*?—Yes.

1663. Did he make any claim for that 1,000*l.*?—No, I mentioned the fact to him; he understood that it was to be expended on the petition, and he made no observation that I recollect further than referring to the fact.

1664. Did

1664. Did Mr. Raphael at that time make any objection to the course which you proposed to take, and which you have just stated?—The course that was proposed to be taken originated with himself; it was his own suggestion; that is, that he would continue the contest for a day or two longer, in order to ascertain what chances there were of protracting it still farther, in order to look out and see what further means there might be of following it up.

1665. Did Mr. Raphael at any time in that conversation call upon you or Mr. O'Connell to go on further at your expense in resisting that petition?—No; he perfectly acquiesced in the justice of giving it up on our own account, but he voluntarily resumed it from that moment.

1666. As far as your knowledge and judgment was concerned, did you at that time entertain the slightest idea of being able to resist the petition with success?—Certainly not; the only object that I saw in the defence was protracting, but not ultimately succeeding.

1667. What was the effect of the farther resistance to the petition; was it beneficial or injurious to the county in regard to the state of the registry?—In point of fact, it was injurious to the county.

1668. To a great extent?—Yes, if we had resigned at first we should have had our majority struck off, that was 56 votes; but by protracting it as we did, in consequence of this determination of Mr. Raphael, there were, I think, 104 votes struck off; the county was injured in the difference between 56 or 57, I do not know which, and 104.

1669. You have mentioned a certain number of votes that depended upon one question, will you state the nature of that question?—It was a legal point; the amount was 70; the freeholders that had their leases granted to them immediately on the passing of the Reform Bill by myself; they were signed on two days, the 17th and 18th of September 1832, and the registry commenced in October 1832, so that they were not in possession of their leases for six months before the date of the registry. A question arose at the registry whether they were entitled to the franchise in such a case. It was argued at considerable length before the then registering barrister, who decided in favour of the franchise, and registered all the men.

1670. Do you recollect upon what ground it was argued that the possession of the lease was sufficient; was any thing said about a previous contract for a lease?—Yes, it was argued by my counsel that they had been in possession of an equitable title though not a legal title; and again there was reference made to the Act of Parliament, which declared in express words, that they were to be in possession of the premises, not of the tenure, six months previous. Upon that point it was argued and decided by the barrister.

1671. That the parties having been in possession under a previous contract, the lease then executed operated back to the time of the contract?—Yes.

1672. And there were 70 votes depending upon that point?—Sixty-eight was the exact number.

1673. From that 4th of August who did, in fact, take the conduct of the petition, or of the resistance rather?—Mr. Raphael.

1674. Do you know whether such an assistance as was in the power of the Carlow committee was afforded to him?—Every assistance, of course.

1675. With regard to the expense of sending for witnesses, who regulated that subsequently to the 4th of August?—Subsequent to the 4th of August, Mr. Raphael took the superintendence of all the witnesses, sent orders for them, and regulated the expenses of all the witnesses.

1676. Had you an opportunity of seeing and knowing whether Mr. Raphael was in communication with any of the members of the Carlow committee besides yourself?—Yes, with several, the Rev. Mr. Tyrrell and Mr. Maher; these two clergymen in particular he was in most confidential communication with all the time.

1677. From what transpired, can you say whether Mr. Raphael was aware that they were acting as members of the Carlow committee acting for the county?—I introduced them to him as members of the committee; I introduced Mr. Fitzgerald as secretary of the committee; I introduced several of the others who were here as witnesses at the same period as members of the committee.

1678. Did Mr. O'Connell in any respect interfere in that petition, except in conversing with you and Mr. Raphael when you applied to him?—The only time

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when Mr. O'Connell at all interfered was on the 4th of August, when he communicated his decision, and made the statement which I have given.

1679. You have mentioned that Mr. Raphael declined listening to the communications which you wished to make to him, did you send him any letter?—Yes; when I found that he would not listen to myself, I thought that he would receive a letter that would explain the nature of our case, and I requested our agent, Mr. Baker, to write him such a letter; that letter was handed, I understand, to Mr. Raphael by Mr. Baker himself.

1680. Will you state what passed only between you and Mr. Raphael; did Mr. Raphael speak to you upon the subject of that letter?—He did; I received that letter from the hands of the door-keeper; how it came into his hands it is not for me to state, but it was the letter which I had instructed Mr. Baker to write; I took the letter and offered it to Mr. Raphael, and he said it was Mr. O'Connell's business, just as he had before, and desired me to hand it to Mr. O'Connell; he would not read it nor receive it at all.

1681. You say the committee came to a determination on the 28th; when was the application made to Mr. O'Connell for the balance of the 2,000*l.* which he had received?—I cannot state the date, but it was considerably after that period; it was towards the middle of August I believe.

1682. You say that Mr. Fitzgerald was the person directed to make that application; had any application ever been made to Mr. O'Connell up to that time for money, which had not been immediately complied with?—Not one; when the money was wanted we applied to Mr. O'Connell and immediately received it; I remember that the first application made to Mr. O'Connell was as he was going up the steps of the House of Commons, and he came and wrote a cheque at the moment for the first 300*l.* at the window.

1683. When the application for the balance was made by Mr. Fitzgerald, did you, in consequence of that application, receive those two bills, and are they indorsed by you—[*the same being handed to the Witness*]?—Yes.

1684. Were those two bills paid to Mr. Baker?—Those two bills were handed by me to Mr. Baker in the first instance.

1685. At the time that Mr. Fitzgerald made the application by your desire to Mr. O'Connell and brought back those bills, what message did he bring back with those bills?—Mr. Fitzgerald brought me those bills, and he stated that Mr. O'Connell wished to know whether I would have those bills or cash; if it was equally convenient to me he would give me those bills, but that he would give me cash if I wanted it.

1686. Did you require cash?—No.

1687. Did Mr. Baker make any objection to receive those bills?—Not the slightest; I saw that they were similar to that which I had received in Ireland, and which I handed to my banker, and for which I got cash; at the moment it was the same to me as a bank note.

1688. Was any objection ever made, or did any delay or difficulty arise from your having bills instead of money?—Not the slightest.

1689. Was Mr. Raphael called upon, to your knowledge, to advance a single shilling, in consequence of those bills being given instead of money?—Certainly not.

1690. Were you party or privy, directly or indirectly, to any agreement that any portion of that 2,000*l.* should be applied to any other than legal expenses?—Certainly not.

1691. In that answer, do you include the application of such surplus as might remain to the protection of the freeholders?—In the original negotiation with Mr. Raphael and the proposal I made to him, I included the application of the last 1,000*l.* to the support of certain freeholders.

1692. Explain what you mean by support?—When the demands were made upon them contrary to the customs of the country, for what is called in Ireland a back half-year's rent, it was the practice of the landlords, immediately after the elections, to press upon them; and then it was our object to give the tenants certain assistance, by lending them money to meet those demands and law expenses that were consequent upon those demands; such support as that was the object of the fund.

1693. To your knowledge, was that a previous stipulation, or offer or understanding come to with any voters, that any such assistance should be afforded to them?—No previous understanding; it was against the subsequent persecution alone

alone that we supported these men; we never anticipated such matters or spoke of them; it was the men under persecution whom we supported; but there was no previous stipulation.

1694. Had you the means of ascertaining who those men might be, supposing such a state of things to arise?—We considered generally that there would be a persecution, but we did not know the particular instances.

1695. Whatever might be the application, was Mr. O'Connell in any respect a party?—He was not in any respect a party to the application of the money.

1696. Who was your counsel in the prosecution of the petition against Mr. Bruen and Mr. Cavanagh?—Mr. Sergeant Merewether and Mr. Austin.

1697. Do you happen to know how soon after your opponents prepared for another contest?—As soon as the decision of the committee was given our counsel was retained for our opponents.

1698. Did that induce you to anticipate a contest at the next election?—Yes, and we immediately followed the same course, and engaged their counsel.

1699. Did you receive that letter from Mr. Tyrrell in the month of August 1834—[a letter being handed to the Witness]?—Yes, I received that letter from Mr. Tyrrell.

[The letter dated the 17th of August 1834, was read, as follows:]

Sir,—You will oblige me very much by forwarding the enclosed, and the one for Margate to be franked. I fear we cannot get any good from our friend Raphael, and that he is so tickle there is no dependence upon him; he promised faithfully he would come over, but when it came to the point he had not time, but says he has not given up the idea of coming some other time, but from what I hear since I came, the Tories are getting all powerful.

I beg with respect to remain your very obedient servant,

To N. A. Vigors, Esq.

John Tyrrell.

1700. Up to the election immediately after the Reform Bill, had the county of Carlow been represented usually by gentlemen of liberal politics or conservative politics?—It had been generally represented by families which are now what we call conservatives, not however at the election immediately previous to the Reform Bill.

1701. Had you been put to any expense in the creation and support of that interest, upon which you were ultimately returned, in attending to the registry and other matters of that sort?—I was put to very considerable expense from the period of the Reform Bill, by reason of the registry that ensued after the Reform Bill. I attended that registry and subscribed largely to it, in fact conducted the whole of the registry for very nearly three months.

1702. Did you incur any expense in behalf of the petition against Mr. Bruen and Mr. Cavanagh?—Yes, I incurred very considerable expense in all the various proceedings which were connected with the independence of the county.

1703. You say that the sum was mentioned in consequence of Mr. Raphael desiring to know the maximum of his expense?—Yes, that brought me to mention the particular sum in all our negotiations with him, but particularly in that referred to on the 27th of May.

1704. Was any objection ever made to his still taking his own expenses and disbursing them himself?—He objected to any disbursement of any kind.

1705. You have received a sum of 804*l.*, have you got an account of how you disposed of that sum? Just look at that account and tell me if that is the account—[the Witness examined an account which was handed to him]

Chairman.]—This was the first 800*l.*

Mr. Sergeant Wilde.]—It contains the whole sum.

Chairman.]—You have not put the three bills in evidence yet.

[A bill, drawn June 12th, 1835, by Daniel O'Connell, esq. upon Joseph C. Ayre, esq., for 804*l.*, payable 61 days after date, and indorsed "Daniel O'Connell, N. A. Vigors, W. B. Ball & Co., and John Wood," was delivered in.]

Another bill, dated August 14th, 1835, drawn by D. O'Connell, esq. upon Joseph C. Ayres, esq., for 899*l.*, payable at 91 days after date, and indorsed "N. A. Vigors, Thomas Baker," was delivered in.

A third bill, dated 14th August 1835, drawn by Daniel O'Connell, esq. upon Joseph C. Ayres, esq., for 275*l.*, payable at 61 days after date, and indorsed "N. A. Vigors, Thomas Baker, James Maher, Messrs. Molloy & Morgan," &c., was delivered in.]

N. A. Figgis, Esq.

4 March 1836.

1706. Mr. Serjeant *Wilde*.—You hold an account in your hand; for what sum does that account give credit; does it give credit for 2,025*l.* 18*s.*?—Yes, it gives credit for 2,025*l.* 18*s.* to Mr. O'Connell.

1707. Is the first sum that is credited 500*l.*?—Yes.

1708. Under date of June 14th?—Yes.

1709. Is the second sum, dated June 16th, 301*l.* 18*s.*?—Yes.

1710. Is that the produce of the bill when discounted?—It is.

1711. Is the next the amount of the check that has been read, 300*l.*?—Yes.

1712. Is the next the amount of the check for 250*l.*?—It is.

1713. Do those sums, with the two bills, form an aggregate of 2,025*l.* 18*s.*?—Yes, I take it for granted that they do.

[*The Account was read, as follows:*]

D^r Nicholas Agnew Figgis, in Account with the 2,200*l.* Fund of Alexander Bayly, to the Canton Election.

Receipts:		£. s. d.	Disbursements:		£. s. d.
1835.			June 22d to August 10th.	Payment of divers Election Accounts, by Cheques on Dublin. See Bankers' Account, Extract (L.)	267 17
June 14th.	Received from Mr. D. O'Connell, by payment through Mr. Fitzgerald, in order on sight, at the Provincial Bank in Carlow. See Voucher (A.)	500 - -	June.	Payments in Carlow, by Cash.	54 13 -
June 16th.	Received from Mr. D. O'Connell, in a letter (Voucher B.), a Draft on Ayres of Dublin, at 91 days, for 301 <i>l.</i> , which Draft was transmitted some right to Ball & Co., Vigners' Bankers at Dublin, who audited his Account on the 17th; 1844 <i>l.</i> Discount, 24 2 <i>s.</i>	301 18 -	June.	Clarks and Writers, by Cash, in Carlow.	45 17 6
July 28th.	Received (through Mr. Fitzgerald) a Cash Cheque on Wright & Co., Bankers, London	300 - -	June.	Cash paid to Mr. Fitzgerald, on account of Election Expenses	338 10 -
August 3d.	Received (through Mr. Fitzgerald) a Cash Cheque on Wright & Co., Bankers, London	250 - -	June 20th.	Cash paid to Mr. Maher, on account of Election Expenses	130 - -
August.	Received (through Mr. Fitzgerald) a Draft at 91 days, on Mr. Ayres of Dublin, subsequently paid to Mr. Baker	275 - -		See Voucher (AA.)	£. 787 3 -
August.	Received (through Mr. Fitzgerald) a Draft at 91 days, on Mr. Ayres of Dublin, subsequently indorsed by Baker to Rev. Mr. Maher	225 - -	June.	Assessors' Fee dispensed, and Action now pending at risk of further cost	50 - -
		£. 2,025 18 -	June.	Disputed Bills unpaid, 91 <i>l.</i> 19 <i>s.</i> , estimated at	70 - -
				See Voucher (BB.)	£. 697 3 -
			July 28th.	Cash Cheque paid to Mr. Baker	260 - -
			August.	D. O'Connell's Bill paid to Baker	475 - -
				By divers payments to Mr. Baker	435 - -
					£. 1,687 3 -
			June, July, August.	To divers petty Expenses at Election, and during Petition, not vouched	130 18 -
					£. 2,025 18 -
	Received of Mr. O'Connell, as per above, in all	£. 2,025 18 -			
Nov. 13.	Paid by Cheque on Ball & Co., Dublin, Mr. O'Connell, for overpayment	15 - -	Receipts	- - -	£. 2,025 18 -
			Expenditure	- - -	£. 2,025 18 -

1714. Have you an account of such disbursements as you individually paid?—I have furnished Mr. Parks with it.

1715. Will you take it in your hand—(*the Witness examined the same*); to what amount did you disburse yourself as distinguished from the sums you paid over to other persons to distribute?—I cannot exactly distinguish those which I disbursed myself; I can give the statement which is here before me.

1716. Is that a statement of your own disbursements?—It is a statement of my disbursements to individuals and agents who disbursed them elsewhere.

1717. Will you state how you disbursed those sums as far as you were concerned?—The first item is No. 1, 267*l.* 17*s.*

1718. That is under the date of June 22d, 1835, to August 10th, payment of divers election accounts; is that the item?—Yes.

1719. Have you an account, No. 1, which details the particulars?—Yes, those are the legal expenses.

1720. Does that account contain a detail of the items of which the 267*l.* is composed?—It does.

1721. Do you know anything of the fact of such payments being made as are charged in that account?—Yes, I know that the greater portion of those I paid myself, or that they were paid in my presence to the inspectors and the agents.

1722. Will you look through the account and tell me whether in that account of the detail of the 267*l.* 17*s.* there were any sums which were not paid by yourself, or in your presence?—No, there are none which were not paid by myself, or in my presence; they were paid by checks in my own handwriting and handed over immediately.

1723. Will

1723. Will you read the items?—Rogers, inspector of booth, 15*l*. 15*s*. Bates ditto, 15*l*. 15*s*. Sheriff of Carlow (see also receipt) 50*l*. 3*s*. Tierney, inspector of booth, 15*l*. 15*s*. Charles Welch, sub-agent, "it says 10*s*., it ought to be 10*l*." Frayne, inspector of booth, 15*l*. 15*s*. Meagher, ditto, 15*l*. 15*s*. Then here is "discount of bill on Ayre," that is the bill to which you refer, 2*l*. 2*s*. P. M. Murphy, counsel, 50*l*. Mara, inspector of booth, 15*l*. 15*s*. Morning Register, 5*l*. Pilot newspaper, 5*l*. Grainge Chapel (donation), 5*l*. Fitzgerald, 20*l*. Maher, 25*l*. 12*s*.

1724. What for?—This 25*l*. 12*s*. was paid for some small sums, bills which Mr. Maher had paid. "Fitzgerald, 10*l*," that makes 267*l*. 17*s*., that is, if the 10*l*. which is put here as 10*s*. is correct.

1725. I observe the name of Maher and the name of Fitzgerald, were the sums attached to those names paid to those gentlemen to discharge certain small bills?—No; the sums here to Fitzgerald were on his own account; the sums to Mr. Maher were for some small bills which he paid.

1726. On what account was money paid to Mr. Fitzgerald?—For his own services.

1727. Did he come over to England to defend the petition?—This was for the election expenses alone.

1728. Can you state, or will the other gentlemen be able to state; here are certain names, here is cash paid James Young, 1*l*. 19*s*., and cash paid to Thomas O'Neil, do you know for what services they were paid?—Those sums were paid for board and lodging for the freeholders during the time of the election.

1729. You say those sums were paid either by you or in your presence, who was the person that made the payments and settled the accounts with those persons?—Those sums that I have just read over were paid either by myself or by Mr. Welch, the agent. I believe you have the wrong account; the sums which I have just read over, for which I am responsible as having paid them over by checks, were paid immediately by myself, or by Mr. Welch in my presence, to certain persons.

1730. On what account were those payments made; for what services?—Rogers was an inspector of a booth; he was one of our legal staff; Mr. Bates was another; the bill of sheriff of Carlow was for the expense of booths and incidental expenses.

1731. The sheriff's charges?—Yes, Tierney was an inspector of booth.

1732. Do you mean by that the professional agent attending at the booth?—Yes, Charles Welch was agent immediately under our head agent; and I must state that our head agent, Mr. Welch, acted gratuitously on this occasion; to his brother, who came to assist him, we gave certain sums which you will see here. Frayne was an inspector of booths; Meagher was another inspector of booths; that is five inspectors of booths. Mara was another inspector of booths, there were six inspectors of booths. P. M. Murphy was our counsel upon the occasion. The "Morning Register" was for advertisements; in the morning paper "Pilot Newspaper" was another advertisement; "Grainge Chapel" was a donation given at the moment of victory; generally those expenses are incidental to Members coming in; Fitzgerald was a donation by myself.

1733. Did he render any services incident to the election?—He was the chief agent in point of fact; Maher 25*l*. 12*s*., this was for the disbursement of small sums; he will account for that.

1734. You have gone over all the items of that account?—Yes, 267*l*. 17*s*.

1735. That forms the first item of the general account, of which you have given the detail; the next sum is "payments in Carlow by cash 54*l*. 19*s*." do you know any thing of that?—Yes, those were payments that I made myself.

1736. Have you got the detail of them?—There is Molloy's bill; that is a bill for entertainments; he kept a public-house; 14*l*. 19*s*.

1737. Entertainment of whom?—Freeholders' board and lodging who came in to vote. O'Neil's bill is the same; this I gave him on account at the moment of election; while it was going on, I handed him myself 20*l*.; and the third account here, which is "Welch, sub-agent," refers to the same gentleman to whom there was the previous sum of 10*l*. given, which is entered in the banker's book; the subsequent sum, of 20*l*.; I gave him in cash.

N. A. Figue, Esq. 1738. On what account was that paid to him?—For his services; travelling expenses, &c.

4 March 1836. 1739. You have mentioned the items which form the sum of 54*l.* 19*s.*?—Yes.

1740. And each of those payments you made, or saw made?—I made those myself; those were paid in cash.

1741. The next is in June 1835, "clerks, writers, before the election, 45*l.* 17*s.* 6*d.*," what do you know about that?—Those were paid partly by myself, and partly by a gentleman, to whom I before referred, Mr. Welch.

1742. Will you mark those that were paid by yourself, and distinguish those who were paid by Welch?—This is the original document.

1743. What is that original document?—This is the document that was drawn out at the moment of payment; I drew it out myself as containing the names of all the persons, the poll clerks and the different messengers.

1744. Were the names of the persons in the account really employed in that election and paid the sums that are set against their names?—Yes; I distinguished those that I paid myself by my own writing "P^d," and others are in the hand-writing of Mr. Welch, the gentleman to whom I referred.

1745. Has that account, which you are now speaking of, any distinguishing mark?—There are those marks that I mentioned; "P^d" is added to them all, with the exception of one with a +.

1746. Those with the mark "P^d" did you pay?—Not all.

1747. What distinguishes those that you paid from those which he paid?—Those that he paid are in his handwriting, and therefore I can distinguish.

1748. Will you give us some means of ascertaining which payments are by you, and which are by him; do they follow consecutively?—No; his are a short "P^d," mine is rather a free one.

1749. Will you mention the sums that you paid?—The entire of this page was paid by myself.

1750. The whole of the first page?—Yes.

1751. Mr. Warburton.] It would save time if the witness would mark those that he paid himself?—[The Witness marked the account.]—Those with a + were paid by Mr. Welch, the others were paid by myself.

[The Account was delivered in, and read, as follows:]

Inspectors.				£.	s.	d.	£.	s.	d.	
P ^d Mr. Mara	-	-	-	15	15	-	-	-	-	N. A. V.
P ^d Mr. Bates	-	-	-	15	15	-	-	-	-	N. A. V.
P ^d Mr. Meagher	-	-	-	15	15	-	-	-	-	N. A. V.
P ^d Mr. Fraine	-	-	-	15	15	-	-	-	-	N. A. V.
P ^d Mr. Tierney	-	-	-	15	15	-	-	-	-	N. A. V.
P ^d Mr. Rogers	-	-	-	15	15	-	-	-	-	N. A. V.
							94	10	-	
Poll Clerks.				£.	s.	d.	£.	s.	d.	
P ^d Mr. Gorman	-	-	-	3	-	-	-	-	-	N. A. V.
P ^d Mr. James Dillon	-	-	-	3	-	-	-	-	-	
P ^d Mr. Ivers	-	-	-	3	-	-	-	-	-	
							9	-	-	
Tally Clerks.				£.	s.	d.	£.	s.	d.	
Mr. William Dunne	-	-	-	3	-	-	-	-	-	
P ^d Mr. Sullivan	-	-	-	3	-	-	-	-	-	
P ^d Mr. Maher and Deputy	-	-	-	3	-	-	-	-	-	
Deputy, 1 & N. A. V.							9	-	-	
Qualification Clerk.				£.	s.	d.	£.	s.	d.	
P ^d Mr. Holland	-	-	-	2	-	-	-	-	-	N. A. V.
							2	-	-	
							£.	114	10	-

Mileage.							N. A. Rogers, Esq.
Return.							
						£. s. d.	
P4	Whelan +	-	-	-	-	1 - -	4 March 1896.
P4	Loughlin +	-	-	-	-	1 - -	
P4	Nowlan +	-	-	-	-	1 - -	
Id East.							
P4	Feuler +	-	-	-	-	1 - -	
	Cousfield	-	-	-	-	1 - -	
P4	Pat Neal +	-	-	-	-	1 - -	
P4	Tom Fisher	-	-	-	-	1 - -	N. A. V.
Id W.							
P4	Kinsela +	-	-	-	-	1 - -	
P4	Headen +	-	-	-	-	1 - -	
P4	Shen +	-	-	-	-	1 - -	
P4	John Walsh +	-	-	-	-	1 - -	
P4	John Walsh	-	-	-	-	1 - -	
P4	Richd Nusen +	-	-	-	-	1 - -	
P4	John Fielding +	-	-	-	-	1 - -	
	Mich. German	-	-	-	-	5 - -	N. A. V.

1752. Did you furnish the money?—Yes; and the items that I furnished Mr. Welch money for are them in November.

1753. That is the third line in the general account; will you turn to the 14th June, "Cash paid to Mr. Fitzgerald, on account of election expenses, £68*l* 10*s*;" did you furnish that sum to Mr. Fitzgerald?—I did.

1754. Was it furnished to Mr. Fitzgerald for the purpose of his applying it to the payment of election expenses?—Yes.

1755. The next item is, "Cash paid to Mr. Maher on account of election expenses, 130*l*;" did you furnish the sum for that purpose?—Yes; of that 130*l*, 120*l* were election expenses, and 10*l* a donation for the poor of Carlow.

1756. Do those items that you have already gone over amount to 767 l. 3s.?
—Yes.

1757. The next sum is, "Assessor's fee, disputed, an action now pending, at risk of further costs, 50 l.;" is that a sum that you have retained to meet the consequences of such action?—Yes.

1758. Is the action now depending?—Yes.

1759. Why has it not been paid?—I dispute it, because I think I have no right to pay.

1760. Was this assessor appointed at the request or with the concurrence of the candidates?—Certainly not.

1761. Is that the ground upon which you object to pay it?—Yes.

1762. The next sum is, "Disputed bills, estimated at 70*l*., the amount of the demand being 91*l*. 10*s*.;" is that a sum which you have retained till those bills are adjusted?—Yes.

1763. Has such a claim been made to you, amounting to 91 £ 10 s.—Yes.

1264. And you are willing to pay 70 £ out of it?—Yes.

1765. The three next sums of 300*L*, 270*L* and 425*L* are payments of Mr. Baker; were those payments made on account of the petition?—The 1,000*L* was paid to Mr. Baker on account of the petition.

1766. And those three sums constitute that 1,000*l.*—Yes.

1767. Have you paid, or do you know of the payment, of any petty disbursements during the election; here is a sum of 139*l*. 15*s*. 3*d*.—There was a considerable sum, amounting to much more than is mentioned there, that was paid during the election, of which I have no memoranda.

1768. Just describe the nature of those payments?—Messengers, travelling expenses, carriages and various expenses of that description, donations to persons who were drawing our carriages, gratuities for tar barrels and bon-fires, and various matters of which I have no memoranda.

1769. You did not take receipts from the gentlemen who drew the carriages?—No, certainly not.

1770. Have you paid a larger sum than 188*l*. 15*s*. on that account?—
I should say certainly that I had paid more for the election of 1835 than the
1,000*l*. although I cannot exactly say the sum.

1771. Sir F. Pollock.] Who prepared the general account that has now been

N. A. Figueira, Esq. been handed in?—I furnished all those items myself, and those I also furnished.

4 March 1836.

1772. Who prepared the account in its present shape?—I prepared the items of the account, and it has been drawn out by a clerk.

1773. To whom did you give the materials?—To Mr. Parkes.

1774. Did you furnish him with the vouchers for all the different receipts and disbursements?—I furnished him with all those that I had in my possession.

1775. You have been, I believe, taken by my learned friend through what is called the credit side, I want to call your attention to the debit side; it is much more important; the debit side is the amount of what you received from Mr. O'Connell?—Yes.

1776. The credit side states the manner in which you disposed of it when you got it?—Yes.

1777. The first item on the debit side is that 500*l.* the draft or letter at sight, which is referred to in the correspondence to-day?—It was a draft at sight.

1778. The next is the sum of 301*l.* 18*s.* which I presume is the money into which you have turned the bill of 304*l.*?—Yes.

1779. The discount is charged two guineas, which would just reduce the 304*l.* to 301*l.* 18*s.*?—Yes, but the sum is not exact; it was not discounted till three weeks afterwards, as I find in my banker's book, the discount would have been 3*l.* or more, but it was discounted on the 4th of July; it would have been more if it had been discounted on the day on which it was presented.

1780. Did you debit yourself with 301*l.* 18*s.*, being the amount which you got in cash?—It was the net produce of that bill.

1781. And that bill is produced?—Yes.

1782. On the 28th of July, the next item is 300*l.* which is the check that was produced by Messrs. Wright's clerk, have you seen it here to-day?—Yes, I saw it.

1783. The next is also a check of the same kind for 250*l.* and that voucher was produced to-day?—Yes.

1784. The next is a draft at 61 days for 275*l.* on Ayre, that is produced to-day?—Yes.

1785. And the next is 309*l.* at 91 days?—Yes.

1786. No discount was allowed on either of those as they stand in the present account?—No; no discount allowed upon any.

1787. You paid a sum of 15*l.* back to Mr. O'Connell?—Yes.

1788. Have you that?—I have that account, which is now before you.

1789. Could you get that check upon Ball & Co.?—I can write for it; this is the entry.

1790. Is this the original, or a copy of it?—This the original account upon the bankers to me.

1791. You produced an original account from the bankers, Nov. 18, D. O'Connell, 15*l.*?—Yes.

1792. Where did you draw that?—It was in Carlow.

1793. Upon Ball & Co.?—Yes.

1794. Where do they bank?—They are bankers in Dublin.

1795. This is the day when the money was paid?—Yes.

1796. When did you pay it; how long had you drawn the check before?—Some days before, I was in Carlow at the time; it was at the time when Mr. Fitzgerald made up his account, and let me know that I was indebted that sum to Mr. O'Connell, that that sum was overpaid.

1797. Then the account must be made out balancing itself exactly to that 15*l.*?—Mr. Fitzgerald must have balanced it.

1798. Have you the account?—No, I took his word for it; for I find that there is a little more coming to Mr. O'Connell, at least so Mr. O'Connell says.

1799. When did you go to Carlow?—I went over there previously to the October registry, I went over in October.

1800. Did you draw a cheque and send it by the post, or did you give the cheque to Mr. Fitzgerald?—I drew a cheque, and enclosed it in a letter to Mr. O'Connell.

1801. And now you have no recollection on what day you did that?—I cannot state what day it was; it was previous certainly to this date; but the day

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day I cannot say; that entry guides me as to the last day on which it could be drawn, but I cannot say the day previous.

1802. Can you say whether it was drawn a day or two, or a fortnight, or a month previously?—I should say that it was within a month; it was in the month of November I should say most certainly.

1803. What time in the month of November?—I cannot say.

1804. Was that the time when you settled, or professed to settle, the account with Mr. Fitzgerald?—I would not say, it was certainly at the time when we were making up our account, and I asked Mr. Fitzgerald how much was due to Mr. O'Connell. Previously to this, Mr. Fitzgerald had mentioned that there was a sum that Mr. O'Connell gave to me; I knew there was an overpayment, but the exact amount I was not aware of; in fact, many bills were not paid, and I did not settle this till this month of November.

1805. What bills do you mean were not paid?—Many of the Carlow bills.

1806. Do you mean the Carlow bills of expenses?—Yes.

1807. Will you just attend; your returning to Mr. O'Connell a surplus on account of his giving you more than you had a right to ask for, could have nothing to do with the expenses?—No; but the payment of some of those bills brought me to the payment of another; the settlement of the account with Mr. Fitzgerald brought me to settle an account with Mr. O'Connell; one followed, though not immediately from the other.

1808. Can you by looking at this account yourself, recollect from any other payment at the same time on what day it was that you settled that account with Mr. Fitzgerald?—I cannot; I see the date of it; this is the only document I have to ascertain at all what date; I have nothing in my own recollection which would at all fix it, except the date of the payment of the cheque.

1809. What date is that?—The 18th of November; it can be ascertained in certainty by sending for the cheque.

1810. Will you do that?—Yes.

1811. Have you your own cheque-book?—No, I cannot say that it was a printed cheque. No, now I recollect, it was not a printed cheque, it was ingrossed on paper; I had not my cheque-book at the time; but I can ascertain what day, but not at the present moment.

1812. Have you any memorandums or vouchers, or accounts, or any other papers as to what passed between you and Mr. Fitzgerald when you came to the conclusion that you were to pay him a sum of 15*l*?—Certainly not about me, nor do I think that I can have at home.

1813. Have you any where?—No, I should think not; I do not know what clue I could have for it; the only clue I have is getting the cheque itself that determines the date.

1814. Do you recollect the interview at which you paid the 15*l*?—I had no interview; I was writing to Mr. O'Connell.

1815. Had you no interview with Mr. Fitzgerald?—At the same time I had several interviews; I was with him almost every day, but I had no particular interview with him at that moment; I do not know that he was at all aware of my writing to Mr. O'Connell; and my writing to Mr. O'Connell had no connexion with my communicating to him.

1816. How soon after you ascertained that the sum was 15*l* did you send the cheque to Mr. O'Connell?—I should say, when I asked Mr. Fitzgerald the question in Carlow, it was at the moment that I was going to pay Mr. O'Connell.

1817. Where was Mr. O'Connell at that time?—He was in Derrynane Abbey; but if I mistake not I directed to him at his house in Merrion-square.

1818. But you have no means of stating when it was that you received that information from Mr. Fitzgerald?—I cannot tell the day.

1819. Did you go through any account with Mr. Fitzgerald?—No, not with reference to this money; I took him at his word.

1820. You asked him, or he told you?—He told me that 15*l* was due, and I sent it to Mr. O'Connell, and directed it Merrion-square, to the best of my recollection.

1821. Are Ball & Co. bankers in Dublin?—Yes.

1822. With whom you had then an account?—With whom I had then, and since, and at all times an account.

1823. The other side of the account, the credit you have handed in, certain papers and vouchers that may be looked at at leisure?—Yes.

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1824. How soon shall you be able to produce before the Committee this check that you drew on Ball & Co.?—By sending by to-night's post you will not hear before Wednesday.

1825. You were secretary to the Zoological Society?—Yes, I was.

1826. Was that the occasion of the meeting taking place at your house?—No, I had ceased to be secretary upon coming into Parliament. I resigned the office on the next anniversary afterwards, which was in 1833, having come into Parliament previously in December.

1827. You then came into Parliament for the borough of Carlow?—Yes.

1828. And you sat for that borough through the whole of that Parliament?—Yes.

1829. Were you a candidate at the ensuing general election after that for the county?—I was a candidate for the borough at the general election, not for the county.

1830. Then you were twice returned for the borough?—No, I was unsuccessful the second time.

1831. Who came in then?—Mr. Francis Bruen.

1832. Who were at that time the candidates for the county?—Colonel Bruen and Mr. Kavanah, on the one side, and Mr. Cahill and Mr. Maurice O'Connell on the other.

1833. Then there was a petition against the return?—Yes.

1834. By whom was that petition got up?—It was got up by the liberal committee of the county.

1835. Who acted for them here?—As agent, Mr. Baker acted for them, and I acted for them as the chairman of the committee, as their organ.

1836. The result of that petition was, that the election was declared void?—Yes.

1837. Who paid the expenses of that petition?—It was paid partly by contributions from the county, which were handed to me, and the remainder of it was defrayed by myself individually.

1838. How much did you pay individually yourself?—I cannot exactly state.

1839. About how much?—I should say beyond 700*l*.

1840. What was paid by subscription of the liberal committee or club?—I should say that I was handed the sum of 290*l*; there was more paid by them that did not come through my hands in payment of witnesses at the other side of the channel, in Ireland.

1841. Have you any objection to state how much the petition cost altogether?—More than 1,000*l*.

1842. You say you paid about 700*l*?—About 700*l*.

1843. When did you pay that?—At various times; but two sums I can state that I handed to Mr. Baker, one of 200*l* and the other 300*l*, those sums I can state at once; the others were payments of incidental expenses, that were at various times and on various occasions made to witnesses, and other incidental expenses.

1844. Did you pay any part of the expenses of the last petition?—Not a shilling; there were several incidental expenses that I paid. I paid 1,000*l* on Mr. Raphael's account at once, but I undertook to pay nothing of the expenses of the petition. I will not say that I did not pay some, for there were a great many of the incidental expenses that I did pay.

1845. Did you pay any part of the expenses of the last petition against your own return and Mr. Raphael's?—Not to Mr. Baker, the Parliamentary agent.

1846. Not a shilling?—Not a shilling.

1847. Who did pay those expenses?—They were partly paid by the 1,000*l* which Mr. Raphael advanced, and the remainder of them, as far as they have been paid, were by payments, as I understood by Mr. Raphael himself. I know that 1,000*l* was paid—the 1,000*l* which was handed to me by Mr. Raphael.

1848. That thousand pounds that you speak of as having been paid to Mr. Baker is made up of three sums of 300*l*, 275*l*, and 425*l*, is it not?—Yes; but the 425*l* I beg to explain was paid at different times to Mr. Baker.

1849. Who made those divers payments to Mr. Baker?—I did myself.

1850. Amounting to exactly 425*l*?—Yes.

1851. Is there an account of those payments to Mr. Baker?—Mr. Baker has them.

1852. Have

1852. Have you any account of them?—No, Mr. Baker furnishes that account. *N. A. Figgis, Esq.*

1853. I ask you whether the 300*l.*, and the 275*l.*, and the 425*l.*, paid at different times, make up exactly the 1,000*l.* that Mr. Baker received?—Yes, the 300*l.* was paid by Mr. O'Connell's check; the 275*l.* was the bill at sixty-one days. If I mistake not, it was 272*l.*, and I should then say that this last sum ought to be 423*l.*, because, as far as I make it, the bill ought to be 272*l.*, but Mr. Baker will furnish those accounts more accurately than they are here. 4 March 1856.

1854. There is a bill for 275*l.*?—Then there was the credit for the discounts, 272*l.* is the net produce of this.

1855. You endorsed this to Mr. Baker?—I did.

1856. It has been endorsed by Mr. Baker to Mr. Maher?—One of the bills I begged Mr. Baker to return to me when Mr. Maher was going over to Ireland.

1857. Is that it?—This does appear to have been handed to Mr. Maher, but I should have said that it was the other bill.

1858. What for?—For 399*l.*

1859. Take the other?—This was certainly the bill; if I had been asked which bill had been handed to Mr. Maher, I should have said the other one.

1860. Do you know how this bill came to be handed over to Mr. Maher?—Yes, the reason for taking it from Mr. Baker was this; in making up our accounts with Mr. Baker, I found,—will you allow me to say there is a mistake in this account, arising from the very circumstance that I have mentioned.

1861. What is the mistake in the account?—The mistake is this, that instead of the 275*l.* that are here, it ought to be 399*l.* which are retained; it is the other bill that ought to be put down to Mr. Baker's account.

1862. What bill?—One of those bills that are here.

1863. One is for 399*l.* and the other for 275*l.*, which of those was handed over to Mr. Maher?—I find here that it was the 275*l.*

1864. Then if that was handed over to Mr. Maher, was it paid to Mr. Baker?—Two of them were paid to Mr. Baker; one of them I took out of Mr. Baker's hands for the convenience of paying Mr. Baker the balance of his accounts; in paying him the balance of his accounts, there was a certain sum which we had paid to witnesses, for which he had given us credit in vouchers; the difference between that sum and one of those bills was not equal to the bill itself; therefore I took it out of his hands, and paid him in cash, and handed it over to Mr. Maher; but I find that there is a mistake here, from not having Mr. Baker's account, of putting down 275*l.* instead of 399*l.*, as given to Mr. Maher. I am perfectly correct in the disbursements of Mr. O'Connell; this is only the mode of dealing with Mr. Baker.

1865. What is the mistake of this account, the debtor and creditor account?—I will explain at once, that this account was furnished by me yesterday morning, as a general account of my disbursements to Mr. Baker. I had not seen Mr. Baker's accounts; he had not furnished me with them, and I made a mistake in saying that it was the 275*l.* bill that Mr. Baker retained, instead of the 399*l.* bill; I made that mistake, and I was under the mistake till the present moment.

1866. Then am I to understand that on the creditor side of the account 275*l.* should be struck out, and the bill for 399*l.* put in?—Yes, and then a similar alteration should take place in the balance.

1867. A corresponding alteration should be made in the net sum, so as to make the thing square?—Yes.

1868. So that in one shape or other the 1,000*l.* is to be made up?—The 1,000*l.* may be made up in that particular shape.

1869. But the present particular shape is not the correct shape?—That shape is certainly not; these are not the exact items of the account, the mistake is in the two bills.

1870. Then you did not pay Mr. Baker 425*l.* in cash, but about 100*l.* less?—The bill was 399*l.* instead of 275*l.*; it was from recollection that I spoke entirely yesterday morning, when that was put down, the account being in Mr. Baker's hand.

1871. The Chairman.] Is the 399*l.* without the 275*l.* paid to Mr. Baker?—No, it stands by itself; the payments to Mr. Baker were in the first instance 300*l.*; I have not the slightest hesitation in saying that I deducted the 275*l.*, which I thought was the bill, from the residue.

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1872. Sir F. Pollock.] Have you not put down a sum of 425*l.* merely for the purpose of making up the 1,000*l.*?—No; I know that I had given and had a receipt for 1,000*l.*

1873. Where is your receipt?—When I say I have received a receipt, I mean that Mr. Baker's word is quite sufficient; I do not mean that I have a regular receipt, but I have Mr. Baker's word for it, which he gave before the face of my friend who was with me; in Mr. Raphael's own letter the receipt of it is acknowledged.

1874. Then, in point of fact, you have not a written receipt from Mr. Baker?—No.

1875. Was that 425*l.* made by enumeration of payments, which you have reason to believe you have made to Mr. Baker, or was not the charge the difference between the amount of 300*l.* and 275*l.*, and deducting that from the 1,000*l.*?—I know that I have paid Mr. Baker 1,000*l.*; I know that one sum was 300*l.*, and I fancied that the other was 275*l.*, and therefore I put down the sum mentioned as the residue of the 1,000*l.*

1876. Without any reference to any actual enumeration?—With reference to nothing more than the acknowledged sum of 1,000*l.*, which I had the power to pay. In furnishing that account to Mr. Parkes yesterday, I did not imagine that was necessary more than to show him the general mode in which it was paid; I imagined that that account would come at once from Mr. Baker, and that that would come in evidence here, and not my general statement, which was not given with the view of being entered at all.

1877. Can you now refer to the minute that you gave to Mr. Parkes as instructions by which you furnished the account?—I think Mr. Parkes will show you the items. This statement I never intended should come before the Committee; I intended to refer to Mr. Baker's statement, who is to come forward himself to explain it.

1878. When did you first see that account which has first been produced to-day?—I saw this account to-day for the first time; that is, as it appears here.

1879. I asked you at the very beginning who made the account out, and you said you furnished the particulars?—Yes, I did furnish those particulars, and I mentioned how I furnished them to Mr. Parkes, the particulars which are in dispute.

1880. Is not that account correctly made out from the particulars you furnished to Mr. Parkes?—I am perfectly confident that it was made out according to those particulars, but I said that there were some of those particulars for which I could not vouch at all; some of them I could vouch for: the whole is a general one, which I did not suppose would come in this shape to-day.

1881. Were there any other bills drawn by you upon any body, or upon you by Mr. O'Connell?—No, there were no bills drawn by me.

1882. Do you happen to know who Mr. Joseph C. Ayre of Dublin was?—I am not acquainted with him.

1883. Who was he?—I never knew any thing of him, except what I have heard since those bills were drawn, that he was an agent of Mr. O'Connell's.

1884. Were you ever at 27, Eccles-street, Dublin?—No.

1885. Do you know Mr. Fitzpatrick?—No, I never met him; the only communication I had with him was that letter, and my answer to it.

1886. But that letter was dated 27, Eccles-street, Dublin?—Yes.

1887. The same direction as Mr. Ayre's?—Yes, I understood they both lived in the same house.

1888. Do you know who he is?—I know, from general report, that he is the agent to the O'Connell fund, and the treasurer.

1889. Does that mean the tribute?—The tribute or rent, or whatever you call it; we call it the O'Connell fund.

1890. Do you know whether he has any connexion with the O'Connell brewery?—I have not the smallest idea of his connexions in any way; in fact I know nothing about him, except what I have just mentioned.

1891. Had you ever any pecuniary transaction of any sort whatever with Mr. O'Connell, except those which are disclosed in this transaction?—Never; except that I have paid him rent twice, what we call rent, 5*l.* each time, that is all.

1892. That is the O'Connell fund, is it not?—Yes.

1893. Was the letter that was put in, the 10th of September 1834, the first time

time that Mr. Raphael's name was mentioned to you in connexion with the county of Carlow?—Certainly not. *N. A. Figgis, Esq.*

1894. How early did you hear that Mr. Raphael was connected with the county of Carlow in any way?—I believe it was in the summer of 1834; but my first knowledge of his being spoken of in connexion with the county of Carlow was in the spring of 1834. *4 March 1836.*

1895. Can you give the date when you first met?—Indeed I cannot, precisely.

1896. When did you first receive any authority to seek for a proper candidate for Carlow?—The first time I received any authority was in December 1832, when I was commissioned by the committee to go to Dublin to treat with a gentleman that then was in negotiation with them, Mr. Wallace, the subsequent representative of the county.

1897. Was that authority continued from election to election, or had you any fresh authority upon any occasion?—I had the same authority continued on from election to election, the general authority that was reposed in me.

1898. Had you any communication with Mr. O'Connell in the month of November 1834 about the Carlow election?—I had a letter that was dated in November; I do not know the exact date.

1899. That, I believe, is the letter which you received from Mr. O'Connell, dated 26th November? (*The letter being shown to the Witness.*)—Yes.

1900. Did you receive any other letter from him about that time?—I do not remember receiving any, nor do I think I did.

1901. "First, however, you should see Mr. Raphael, and ascertain whether or not he would stand, we could secure him the county at an inconsiderable expense, say for the very utmost 3,000*l.*; you can tell him that I will be one of the guaranties of his success if he will thus come forward as the colleague of Mr. Ponsonby;" did you, as you were directed by this letter, call upon him?—I did not conceive this to be a direction; it was more a friendly intimation.

1902. Did you go to Mr. Raphael, in consequence?—I went to Mr. Raphael, not in consequence of this, for I had intended to go to him before I received this; but I went to him, I think it was after I received this; I went about the same time, I am not sure whether it was after or before.

1903. Do you mean to say that you did not go to Mr. Raphael in consequence of receiving this letter, but because you had meant to go to him before?—This letter was one that would, of course, have corroborated me in my intentions; so far from saying that I did not go in consequence, the letter would make me more anxious to go.

1904. Did you go and see him in consequence of that letter?—I went to see him about the time of this letter, not absolutely in consequence, but I would say that my receiving this letter was one of the reasons that I did go, not the only reason.

1905. Am I to understand that you did go to see him in consequence of that letter, or partly in consequence of that letter and partly for other reasons?—Partly in consequence of that letter; it was one circumstance that corroborated me in my intention of seeing him; but at the same time I do not exactly know the date of this interview with Mr. Raphael upon this occasion, and I might have been with him previously to receiving this letter; that is, in the first instance; I had several interviews with him at the same time, and my first interview with him might have been previous to this letter.

1906. Will you state what passed between you and Mr. Raphael on the occasion when you saw him after you received that letter?—I do not like to pledge myself to particular dates, but the communications I had with Mr. Raphael in November 1834 were at various times, and whether they were subsequent or antecedent to the receipt of this particular letter I cannot say. The first meeting with Mr. Raphael, in November 1834, was at the Old Bailey; the date of that I cannot state, or whether it was before or after I received this letter.

1907. Did you ever receive more than one letter from Mr. O'Connell, containing a similar message to this first, "however you should see Mr. Raphael?"—Not from Mr. O'Connell; I did receive other letters from other parties, from the Carlow committee.

1908. Can you say how soon after you received this letter you saw Mr. Raphael?

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phael?—I cannot say the particular time that I saw him, but I saw him about the period I have mentioned.

1909. Can you say within a week?—I should certainly say that I had many interviews with Mr. Raphael about that period, before December, I should say after the 2d of December.

1910. Did you communicate with Mr. Raphael that you had received such a communication from Mr. O'Connell?—No; in the course of our communication I mentioned that I had received a communication from Mr. O'Connell.

1911. Did you show him that letter?—I did; I do now remember having shown him that letter, my attention is called to it by a particular fact.

1912. Now you may be able to tell me what passed on the occasion when you showed him that letter?—When I showed him that letter Mr. Raphael took it up in his hand and said, "Is this Mr. O'Connell's handwriting?" that is what impresses it upon my memory at once; it struck me that it was an extraordinary observation from one gentleman to another, when I gave the letter into his hand as Mr. O'Connell's, that he should question its being authentic; it struck me as such, but I did not like to take offence, and I immediately stated that that was it, and that he could see the envelope; and in point of fact such was the impression upon my mind, that not having the envelope at the moment, I brought it with me the next time I saw Mr. Raphael and gave him the letter with the envelope, in order to show that that suspicion was not exactly well founded.

1913. Do you mean to say that it was suspicion of its being a forgery, or respect for the hand-writing which he probably saw for the first time?—At the moment, it struck me as very extraordinary.

1914. But I now ask you whether you do not believe that it was respect for the writer and for his hand-writing which he was seeing for the first time, and not a suspicion that you were imposing a forgery?—It struck me as very odd, but I reconciled myself to it as being for some other reason.

1915. You say it first struck you, but you reconciled it immediately?—I was willing to reconcile it.

1916. And immediately?—No.

1917. As this meeting has brought that to your recollection, which must have been after the 26th of November, will you have the kindness to state what passed at that meeting?—This was a meeting at his own house, and subsequent to a meeting at the Old Bailey; the same proposal went on at this meeting that had been going on previously, and the same observations I made then I had made before; I cannot say exactly what they were at this meeting, but they were the same as I had proposed to him at the previous meeting, and at subsequent meetings.

1918. State, as near as you can recollect, what passed at that particular meeting in which you now remember producing that letter, and Mr. Raphael's observation upon it?—In reference to what passed upon this letter, it is by a striking circumstance that it is particularly impressed upon my memory, but the particular observations that passed at that particular meeting I cannot state more than that in substance they were a repetition of the same observations respecting the state of the county, that a dissolution was then pending, or was apprehended, that we wanted a liberal candidate for the county, and that we wanted certain sums which were necessary to pay the election expenses of the candidate, and also other expenses which are incident to the election, and other expenses for the freeholders of the county; that was the substance of our then conversation at Mr. Raphael's own house.

1919. Did you mention to him Mr. O'Connell's name, besides showing him the letter?—Yes, I mentioned his name.

1920. What did you say about Mr. O'Connell?—That I had the sanction, so far as that letter expressed it of Mr. O'Connell's; that Mr. O'Connell had no objection to Mr. Raphael, but far from it, that he gave me his approbation of Mr. Raphael by that letter; it was a guarantee to myself, that we had Mr. O'Connell's approbation. Mr. Raphael generally expressed his wish to belong to that party, and his admiration of Mr. O'Connell; and I expressed my sense of Mr. O'Connell's approval of him in consequence of that letter; that was my pledge, that Mr. O'Connell did approve of him.

1921. Did you on that occasion explain to him any difficulties of the case or the perfections of it, was it on that occasion?—On that, and on all occasions

I was

I was very free in explaining the whole of the difficulties, stating perhaps the difficulties as strongly or more strongly than they warranted. *N. A. Figueira, Esq.*

1922. Did you on that occasion state to him the expenses which the sum of money that he was to advance was to be applied to?—On all occasions, and of course on that, if I entered into it, which I take for granted I did, I explained to him the whole of the objects to which his money or the money of any candidate would be applied. *4 March 1876.*

1923. Do you mean to say that you continued to make him precisely the same communications upon the subject?—On all occasions when we entered into money matters, I explained them to him generally in the same manner.

1924. Did you enter into any explanation about money matters at the interview when you produced this letter?—I am pretty sure that I did; I stated that a certain sum would be required of a candidate, and when he wanted to know how much, I said it would not exceed 3,000*l*; that was the sum I then mentioned.

1925. Did you state to him how much of that was to be the expense of the election, and how much for any other purpose?—I stated to him that the election expenses would be much less at that period than they had ever been before; that we should economise; and I stated in general that the election expenses would not amount to much more than 600*l*. or a 1,000*l*: that was the tenor of my observations with regard to election expenses.

1926. In what manner was the other part of the money to be expended?—It was to form a fund, or part of a fund, for the fund was already in existence, for the support of the oppressed tenantry of the county, and for the registry and other incidental expenses arising out of the election contest.

1927. Was any part of it to be applied to pay the expenses of any election petition?—No, I should say not, for there had been but one previous election petition, which was in 1833; the expenses of which, I believe, were entirely paid—they were paid at the time. There was no talk, then, of antecedent elections, nor was there any of subsequent ones. In speaking generally upon the subject of petitions to Mr. Raphael and to other candidates, I always stated that there was a certainty of petitions, and very great expenses would ensue, but we left the evil of that day to the day itself, and the candidates would provide for those expenses when they came.

1928. How long did that interview last?—It lasted some time; I cannot positively state, perhaps a quarter of an hour to half an hour.

1929. Who were present?—Mr. Tyrrell was present on that occasion when we met Mr. Raphael at Stanhope-street.

1930. And then this letter was introduced?—Yes, I am almost sure it was on that occasion.

1931. Do you remember how that meeting came to be fixed; did you call upon him by accident?—No, it was an appointment that had been made previously, I think it was made at the Old Bailey at our previous interview; if not, it was in consequence of Mr. Tyrrell making an appointment, but whether it was an adjournment from one spot to another, or a new appointment through the means of Mr. Tyrrell, I cannot exactly state.

1932. You mentioned before, that you wished Mr. Raphael himself to superintend the expenses?—Himself or some substitute for him; some agent for him.

1933. Did he not on all occasions refuse to have any thing to do with that sort of arrangement, with having to superintend the payment of the expenses himself?—On all occasions he seemed to be very much averse to anything to say to disbursement himself.

1934. Did he not say that what he wished to do was to pay the money, and let other people disburse it?—He was always anxious to have a definite sum, and when he had paid that, he would have no further trouble. He has explained to me many times, in a confidential manner, that he would rather pay a larger sum at once than several smaller sums; that he felt more unwillingness in paying small sums, be they ever so small, than large sums at once; he said he could not account for the feeling.

1935. This treaty of November ended as we have heard by his going to Pomfret?—Yes.

1936. Did you then look elsewhere?—I looked elsewhere.

1937. Who became the candidates?—The actual candidates on the day of election were, Mr. Cabill and Mr. O'Connell, as I have mentioned.

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1938. Did you apply to Mr. Cahill?—I did; Mr. Cahill had previously been at Carlow offering himself to the committee with several others, and two other gentlemen were chosen by the committee in preference to Mr. Cahill, who was a very young man: they preferred two other candidates to Mr. Cahill.

1939. Who were they?—Mr. Wallace, the previous representative, and Colonel Evans, the brother of the present General Evans.

1940. Who were, in fact, the candidates?—Mr. Cahill and Mr. Maurice O'Connell.

1941. Were they candidates in spite of the committee?—No, the others had declined.

1942. Did you make any application to Mr. Maurice O'Connell?—None; we had not time to do so.

1943. Who applied to him?—No one in fact: on the very morning of the election, on the very commencement of the contest, Mr. Wallace and Colonel Evans declined standing as we were going up the steps to the hustings; we had no candidates but Mr. Cahill, who was on the spot, and volunteered to come forward, and we were then obliged to nominate Mr. Maurice O'Connell as the second.

1944. You employed Mr. Baker in the petition which arose out of that election where Mr. Bruen and Mr. Kavanagh succeeded?—Yes.

1945. You say you met Mr. Raphael several times, and stated to him the grounds of your expected success; where did you ever meet Mr. Raphael before that petition was very nearly come to a conclusion?—I should say at his own house; I cannot tell the particular times; my meetings with Mr. Raphael were generally at his own house.

1946. How often did you see him pending that petition?—Less often than I had on the former occasions, two or three times, perhaps.

1947. Did you speak to him on the subject of assisting in the petition?—Yes, that was my object.

1948. He did not at all interfere in the petition?—No, he spoke of the risks that were run; there was no certainty, and he declined, at the same time giving us every reason to be sure of his being a candidate in case of our success; he did not discourage our going on upon the petition so far as this, that he did not in any way prevent our going on.

1949. How could he?—If we were not sure of having a candidate, we should not have been very likely to go on with the petition; he gave us every reason to suppose that, in the event of success upon that petition, we should have him as a candidate, when the seat was opened.

1950. Did you continue that petition in any degree with a view of having Mr. Raphael at the end of it as a candidate?—I should say that we certainly continued it with the expectation of his being a candidate, one of the candidates, from the encouragement which he gave us, though he would not have any thing to say to us while there was a doubt; we were certain that he would come to our terms when there was a certainty.

1951. You say you saw him on the 27th of May?—Yes.

1952. Two gentlemen named the result to you of the election committee?—Yes.

1953. Who were they?—Mr. Fitzgerald and Mr. Welch.

1954. You said that Mr. Raphael was at hand, where was he?—He was in the room where the meeting took place, in the large room.

1955. Of the Zoological?—Of the Bazaar; it was a special general meeting, convened for a particular purpose, and we had taken the room at Crockford's Bazaar for that purpose.

1956. Do you remember what day of the week that was?—I think it was Wednesday; it was the 27th of May.

1957. And you told him that there was necessity for your going over to Ireland?—Yes, immediately.

1958. Did the interview, at which he named Mr. O'Connell, take place on the Wednesday, the Thursday, the Friday, the Saturday, or what day?—The interview, on which he first named Mr. O'Connell, was the interview to which I refer on the 27th of May, between two and three o'clock.

1959. You say, he said he wished to consult his friends or friend; which was it?—Friends; that he wished to consult his friends, to inquire further into the matter,

matter, and to consult his friends; that was the substance, but I cannot say positively that those were the words.

1960. And you asked what friend?—I asked whom.

1961. And he said his friend Mr. O'Connell?—He said, immediately, Mr. O'Connell.

1962. Did he say, his friend, Mr. O'Connell, or Mr. O'Connell?—I cannot say, Mr. O'Connell;—whether he added his friend, or not, I cannot say.

1963. Did you not before say, that he said his friend, Mr. O'Connell?—I might have said it.

1964. Had you reason to know, at that time, that he had ever been in the company of Mr. O'Connell anywhere?—Not the smallest, but he always spoke of him with a certain degree of respect and admiration.

1965. Did he not speak of him with veneration, in the highest terms in which a man could speak of another?—I should scarcely use the word veneration, for I do not think that that was the feeling he had towards him, but certainly admiration.

1966. Did you at all ask him whether he knew any thing of Mr. O'Connell, as he said a few months before he had not known his hand-writing?—I understood that every one knew Mr. O'Connell, not personally, but by reputation.

1967. Had you any reason to know that he had ever been in company with Mr. O'Connell before?—I had no reason to suppose that he had or had not at that time; I have since discovered that he had not.

1968. Did you suppose that he was upon such terms with Mr. O'Connell as to make that reference to him?—No, I formed no supposition upon the matter; I thought that it was his general knowledge of Mr. O'Connell; that he knew him, as well as every man knew him; that he had that respect for him which I had myself.

1969. In point of fact, when did you go out of town?—In point of fact, I went out of town on the night of the 31st of May, Sunday the 31st. I waited from the 27th to the 31st, waiting the decision of Mr. Raphael. I should have left town certainly on the 30th if I had not waited for his decision.

1970. Was Mr. O'Connell named in consequence of the necessity of your going over, and therefore it being necessary for somebody to interfere, or did you wait till Mr. Raphael's settlement was made with somebody?—If Mr. O'Connell had not been named, I should have been not equally well contented, but I should have been contented that some other person should decide it as well as Mr. O'Connell.

1971. Were you remaining in town till Mr. Raphael should come to a settlement?—Yes.

1972. That was so?—That was the fact.

1973. Why could you not settle the matter with him yourself?—I should have been very willing to have settled with him myself, but I was better pleased that it should be in the hands of another person, and he seemed to be equally well-pleased that another person should be the arbitrator, or the person to make the arrangements.

1974. What was the occasion for there being a third party?—I know of none; he proposed a third party; he had doubts about the matter which he wished to be solved by a third party.

1975. What were the arrangements which he wished to be made by the third party?—He himself knew best what his doubts were; I had had previous negotiation with gentlemen of integrity before this, and we arranged it between ourselves. In the case of Mr. Wallace and myself, there was no go-between or arbitrator; he accepted my terms, and I accepted his; I thought the same would have taken place with Mr. Raphael, and I did make the proposal then as I had before; but he always expressed a wish to have the matter settled by a third person, to which I had no objection, of course; and when that third person was Mr. O'Connell, then I had less objection.

1976. Will you explain to me what you understood to be the use of the third person?—In the first place, the impression upon my mind was, when he wished to consult others, that he should look into the facts of the case and see the certainty of success; that is one reason that I imagined that he wished to inquire further; and perhaps it struck me, if I thought of it for a moment, that this was the chief reason, namely, that he wished to inform himself better and see whether he should have any prospect of success.

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1977. And did you wait in town till the result of that negotiation was known?—I waited in town till I was sure that the contract was definite and final, and was completed.

1978. Could you have gone out of town on the Sunday night, unless that contract had been definite and final?—I must have gone out of town; I could wait no longer; that was the last day I could wait; I was obliged to be in Carlisle at a certain time, to carry on matters there.

1979. Did you wait then till the last moment?—Yes.

1980. When did you learn from Mr. O'Connell that the arrangement had been completed between him and Mr. Raphael, or did you learn it at all from Mr. O'Connell?—Yes; on the day on which I left town I went to Mr. O'Connell, about three o'clock, at the time when I had an interview with Mr. Raphael; he told me that he had completed all the arrangements with Mr. O'Connell; I went on to Mr. O'Connell, and he informed me of the same fact.

1981. Sir Eardley Wilmot?—Are you quite sure that it was in Berkeley-square that you saw him in his carriage?—Yes.

1982. Positive?—Yes.

Luna, 7^a die Martii, 1836.

MEMBERS PRESENT.

Mr. N. W. R. Colborne.
Lord Francis Egerton.
Mr. Bannerman.
Mr. Bunsby.
Sir Ronald Ferguson.
Sir John Yarde Bullen.

Sir Frederick Pollock.

Mr. Ord (Newcastle).
Sir Charles Brooke Vere.
Mr. Warburton.
Sir Eardley Wilmot.
Mr. H. G. Ward.

Mr. Serjeant Wilde.

Mr. NICHOLAS W. RIDLEY COLBORNE, IN THE CHAIR.

Nicholas Ashward Vigors, Esq. was again called in; and further Examined, as follows:

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1983. Mr. Serjeant Wilde.]—IT appears to my honourable friend and myself that a little time might be saved by my asking a few questions about the accounts.—(To the Witness.) What was the amount that you received of Mr. O'Connell altogether; was it not 2,017 l.?—Yes.

1984. In cash and bills?—Yes.

1985. Is it 2,017 l. or 2,028 l.?—£. 2,017. 18 s.

1986. Was that received in cheques and bills and money, as in the account detailed, No. 2?—Yes.

[The Account was delivered in and read, as follows:]

No. 2.

AN ACCOUNT of Mr Vigors, in discharge of the 5,000l. 18s. received from Mr. D. O'Connell.

Dr.		£.	s.	d.
14th June.	By payment at Carlisle of 500l. remitted through Mr. Fitzpatrick (O'Connell's agent at Dublin), in an order at sight on the provincial bank at Carlisle	500	-	-
4th July.	By produce of D. O'Connell's bill drawn on Mr. Ayres, of Dublin, at 61 days for 304 l. bill transmitted by Mr. Vigors to his bankers, Ball & Co., Dublin, who credited his account with the bill, minus 2 l. 2 s. discount	301	18	-
28th July.	By O'Connell's cash cheque on Wright & Co., bankers, London, through Mr. Fitzgerald	300	-	-
3rd August.	By ditto - - ditto	150	-	-
3rd August.	By produce of Mr. O'Connell's bill for 275 l. on Mr. Ayres at 61 days, handed to Mr. Vigors by Mr. Fitzgerald	275	-	-
3rd August.	By produce of Mr. O'Connell's bill, 200 l. at 31 days, handed to Mr. Vigors by Mr. Fitzgerald	204	-	-
		£.	2,017	18 -

C.

1835-

		£.	s.	d.	N. A. Vigors, Esq.
	By payments by Mr. Vigors, made by himself at Carlow, or under his direction, as per paper No. 2 A - - - - -	977	7	-	7 March 1836.
(2 A.)	June 20th. By payments of himself in Carlow, as per paper No. 2 B - - - - -	54	19	-	
(2 C.)	June 20th. By ditto, as per paper No. 2 C - - - - -	45	17	6	
3—2 A, 2 B, 2 C.	August. Paid Mr. Fitzgerald, through Mr. Maher, for election bills (see Mr. Fitzgerald's account, No. 3, 2 A, 2 B, 2 C) - - - - -	208	10	-	
4—4 A.	June 22d. Paid Mr. Maher, paper No. 4, 4 A (see Mr. Maher's account) - - - - -	130	-	-	
	Assessors' fee in Carlow, in dispute, is hand - - - - -	80	-	-	
	Bills delivered, amounting to about 100 <i>l</i> . (see paper No. 5), which are admitted to the extent of, say - - - - -	75	-	-	
	28th July. Payment to Mr. Baker, by cheque on Wright & Co. - - - - -	£. 300	-	-	
	August. Produce of bill paid Mr. Baker - - - - -	394	-	-	
	August. Cash to Mr. Baker, by payment of witnesses, who gave credit to Mr. Baker for the amount - - - - -	306	-	-	
		1,000	-	-	
	Note.—Seventeen witnesses were brought from Ireland to attend the Committee. Mr. Vigors advanced to them respectively various sums on account of their expenses, as detailed in paper No. 6, and of which advances Mr. Vigors handed an account to Mr. Baker as part payment of the 1,000 <i>l</i> .; and Mr. Baker afterwards settled with the witnesses the proper amount due to them, first deducting the payments made to them, compelling the 306 <i>l</i> . above stated.				
	18th November. Returned Mr. O'Connell - - - - -	15	-	-	
		1,016	13	6	
	By sundry disbursements during the election and petition, of various kinds, such as always occur, of which no minute account was kept, greatly exceeding the balance of - - - - -	101	4	6	
		£. 1,017	18	-	

1987. Does the opposite side of that amount contain a statement of the manner in which you disbursed that money?—Yes, it does.

1988. Have you certain accounts in your hand which are marked 2 A, 2 B, and 2 C?—Yes.

[The Accounts were delivered in and read, as follows:]

PAYMENTS by Cheques on Dublin, of which Banker's Account is the Voucher.

		£.	s.	d.
1835.				
June 22	Rogers, inspector of booth - - - - -	15	15	-
23	Bates - - ditto - - - - -	15	15	-
24	Sheriff of Carlow - - - - -	50	3	-
25	Tierney, inspector of booth - - - - -	15	15	-
-	Charles Welch, sub-agent - - - - -	10	-	-
-	Frayne, inspector of booth - - - - -	15	15	-
30	Mosher - - ditto - - - - -	15	15	-
July 4	Discount on bill on Ayre - - - - -	2	2	-
-	P. M. Murphy, counsel - - - - -	50	-	-
6	Mara, inspector of booth - - - - -	15	15	-
-	Morning Register - - - - -	5	-	-
Aug. 7	Pilot newspaper - - - - -	5	-	-
19	Graigie Chapel (donation) - - - - -	5	-	-
Sept. 17	Fitzgerald - - - - -	20	-	-
Dec. 19	Ditto - - cheque handed by Maher on Ball & Co. - - - - -	85	10	-
10	Fitzgerald - - - - -	10	-	-
		£. 977	7	-

PAYMENTS made in Carlow by N. A. Vigors, vouched by Fitzgerald and Welch.

		£.	s.	d.
1835.				
June 20. (about)	Mellor's bill - - - - -	14	19	-
-	O'Neill's bill - - - - -	20	-	-
-	Welch, sub-agent - - - - -	20	-	-
		£. 54	19	-

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PAYMENTS made in Carlow after Election.

Clocks, &c.	-	-	-	-	-	-	-	-	-	£. 39 - -
Writers, before election	-	-	-	-	-	-	-	-	-	6 17 6
										£. 45 17 6

1989. Do those contain correct details of the amounts which are stated in the account No. 2; the first is 277*l.* 7*s.*?—Yes.

1990. And the next 54*l.* 19*s.*?—Yes.

1991. What is the third, 2*C.*?—£. 45. 17*s.* 6*d.*

1992. You have also an amount numbered 6?—Yes.

1993. Does that contain a correct detail of the names of witnesses to whom you made payments to the amount of 276*l.*?—Yes.

[The same was delivered in and read, as follows:]

The following witnesses were brought from Carlow to attend the Committee upon the the Carlow election, and Mr. Vigors advanced to them in Carlow, on account of their expenses, the sum of	£.	s.	d.
And afterwards advanced to them in London, in further account	147	4	-
	158	16	-
	£.	306	- -

The total amount of these witnesses' expenses was 510*l.*, and Mr. Baker, upon settling with them, charged each of them with the amount advanced to them respectively, and paid them only the balance. The account and vouchers were handed to Mr. Baker.

Mr. Kehoe, Byrne, Roche, Baulbury, Nolan, A. Dorn, Clowry, Hughes, Kinsella, D. Donahoe, Hanlon, Fitzgerald, T. Donahoe, Hackett, Maher, Dowling, John Kehoe.

1994. You received a cheque for 300*l.* from Mr. O'Connell, which you stated you handed to Mr. Baker?—I did.

1995. You also received a bill for 275*l.*, did you ever hand that to Mr. Baker?—I did.

1996. You also received a bill for 399*l.*, did you hand that to Mr. Baker?—Yes.

1997. Did you hand those two bills to him at the same time?—Yes.

1998. Had you, prior to coming to England, engaged certain witnesses to attend the Committee upon the hearing of the election petition?—Not prior to my coming to England; but I caused them to come prior to the petition coming on.

1999. How many in number?—Seventeen.

2000. Are those the 17 persons whose names are recorded in the account you refer to, No. 6?—Yes, the names are here.

2001. Did you make any payments to those witnesses on account of their expenses prior to their arrival in England?—I ordered them to be made.

2002. Did you also make them advances when they came to England?—I did.

2003. Who ultimately settled with those witnesses the amount due to them for their expenses?—Mr. Baker settled their main expenses, which they had not received; the proportion for each which they had not received.

2004. In settling with Mr. Baker, did you charge him with any of the cash payments you had made to those witnesses?—I charged him with those payments which I made to witnesses, and he gave me credit to that amount for cash.

2005. Is that the 306*l.*?—Yes.

2006. You have stated that you paid to him a bill of 275*l.*; you stated on Friday that that bill had been returned to you, and which you had mistaken for the bill of 399*l.*; upon what occasion was that bill returned to you?—It was on the final settlement of our accounts, when I showed him this balance of 306*l.* due to me. It appeared that he had a considerable sum over the 1,000*l.* that we all along looked to; he was to have returned me the difference, which was somewhat about 200*l.* between the 1,000*l.* which he was to have received, and the 1,200*l.* odd which he had received; in those bills, in the check, and in the payment of those witnesses the sum exceeded 200*l.*; he had not at that time cashed the bills; the bills were on the table; he asked me would I take one of those bills and give him

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him cash for the difference, and I took it, and gave him the difference between the balance due to me and the 275 *l*.

2007. You had paid him the 399 *l*.; bill and cash to witnesses on his account, 306 *l*.?—Yes.

2008. That made up 1,200 *l*. with the other sums?—Yes.

2009. And he having to pay you the difference, gave you the bill as payment?—Yes.

2010. And that left some balance due to him, which you adjusted at the moment?—Yes.

2011. I observe in the evidence which was given by Mr. Hamilton an account of witnesses; there are 17 witnesses, whose names are referred to in that account as having been paid 30 *l*. as per agreement; are those the same witnesses to whom you paid on account 306 *l*.?—The same.

2012. Was there an agreement with those persons that they should receive 30 *l*. for their expenses?—Yes, after their coming over here; while in London I agreed that I should receive as expenses, at Mr. Raphael's desire, 30 *l*.; I reduced it as low as possible at his request.

2013. In the account to which you spoke on Friday, you have put down, instead of 306 *l*, 425 *l*.; and instead of the bill of 399 *l*, the bill of 275 *l*.; how happened that mistake?—I can scarcely say how it happened. I was drawing out the account with Mr. Parkes, and I mentioned the 300 *l*. cheque; and I mentioned secondly a bill which, when he asked me the amount, I said was one of these two bills; and I think I asked some of my friends who were present, Mr. Maher or Mr. Fitzgerald, which bill it was, and I misunderstood his answer, and put down the wrong one.

2014. Do you know that you had made up in cash payments to the witnesses the difference between the 1,000 *l*. and the bills with the cheques?—Yes.

2015. That would have been the amount, supposing that he had received the 275 *l*. bill instead of 399 *l*.?—Yes.

2016. In your account, numbered 2, you are charged as having paid certain amounts to Mr. Fitzgerald and Mr. Maher; the fourth item is the payment to Mr. Fitzgerald?—That is the fourth in the general account.

2017. And the fifth is payment to Mr. Maher?—Yes.

2018. Did you make those payments to those gentlemen?—Yes, I did.

2019. Sir *Frederick Pollock*.—To-day you say that the payments by Mr. Baker were 306 *l*., and not 425 *l*., as stated in the former account?—Yes.

2020. Then is the Committee to understand that the sum of 425 *l*. was not taken from any actual account of items, but was taken merely as the difference to make up the 1,000 *l*.?—Yes; having made a mistake in the amount of the bill, deducting that from the residue of the 1,000 *l*., I gave the sum as 425 *l*.

2021. What has induced you to suppose that the bill you had given to Mr. Baker was the bill for 275 *l*., and not the bill for 399 *l*.?—At the moment that I made up the account I could not state which of the bills it was, for I have very little recollection or no recollection upon it; and I applied to the gentleman who had received one of the bills, and I mistook his answer, or he mistook my question, and said the wrong bill in fact; I think that that was the origin of the mistake.

2022. Who was that gentleman?—Mr. Maher, the gentleman to whom I paid the 275 *l*. bill; I asked him which of the bills he received, and I mistook his answer or he mistook my question, and I put down the 275 *l*. as the bill which Mr. Baker received.

2023. Is the Committee to understand that you have yourself no personal recollection upon the subject?—Certainly, the Committee is to understand that; I could not recollect which of the two bills was handed to Mr. Maher, and remained to Mr. Baker.

2024. Was the account that you delivered in on Friday prepared with any degree of attention?—Part of it was with care and attention, with that care and attention that I have just referred to at the present moment; it was made up before Mr. Parkes in those three sums, and that mistake did occur: it was intended to have been prepared with care and attention, but it certainly was not with sufficient care and attention.

2025. You left town for Ireland on the 31st of May, by the mail?—On the 31st of May, I left London for Ireland by the mail.

2026. How soon after did you receive any remittances, and from whom?—The first

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first remittance I received was on the 13th or 14th of June; the dates are in detail before the Committee; I received a letter from Mr. Fitzpatrick, containing an order upon the provincial bank in Carlow for 500 *l*.

2027. Did you write to any one to make those remittances?—I had not written for those express remittances, but I was in communication with Mr. O'Connell on the subject, and mentioned generally that the money would be wanted about the time of the election, and mentioned the time it would be, that it was the 13th.

2028. What do you mean by being in communication with Mr. O'Connell; were you corresponding with him after you left London?—I was corresponding with him after I left London; I wrote almost every day from the 2d of June, when I arrived in Dublin, to the 13th of the same month; I was in constant correspondence; I cannot say in daily, but in constant correspondence.

2029. Did you in any letter make any application to him for a sum of money?—Not for a specific sum; I expected the money from him, and therefore there was no necessity for making the application.

2030. What money did you expect from him?—Part of the 1,000 *l*. which was to be advanced to him by Mr. Raphael.

2031. What part did you expect?—I did not expect any particular part of it, but I expected to receive what would have been sufficient for the then immediate necessity of the case; we did not want it all.

2032. How was the part settled, or was it settled, which you did receive?—I do not exactly know to what you allude, how it was settled.

2033. Was any arrangement made prior to your leaving London as to remitting money?—No, we had no particular arrangement as to it; no settlement as to the particular sums, or the mode in which it was to be sent; it was to be sent as it was wanted.

2034. Was any arrangement of any sort made between you and Mr. O'Connell, prior to your leaving London, about remitting the money?—I think not; I think no particular arrangement.

2035. Was any arrangement made of any sort, particular or general?—There was a general arrangement.

2036. What was that?—That the money would be forthcoming; I understood that he was to receive the money, and I understood that I could have it when I wanted it.

2037. Was that the only arrangement which was made before you left London?—That was the only; I could scarcely call that an arrangement, it was the understanding between us; it was no settlement or arrangement, it was an understanding.

2038. After you left London on the 31st of May, did you make any application to Mr. O'Connell, generally or particularly, for any money?—Particularly, I did not; generally, I stated that we should commence our operations on the 13th, that our election would commence then, and that we should then want money.

2039. Did you state any sum that you should want, or did he send you any sum of money that he thought proper?—He sent such money as he thought proper without my specifying any particular sum; he anticipated my wants before I asked for money.

2040. Did you make any application to him for the money in the shape of a bill at sight, or a bill at 61 days, or in any shape whatever?—Certainly not; I made no particular application to him for the money in any particular shape.

2041. Was it altogether Mr. O'Connell's act to send you the bill for 304 *l*., which was not payable till 61 days after date?—It was entirely Mr. O'Connell's act *proprio modo*, that he sent me those two bills, one for 500 *l*., and the other for 304 *l*.

2042. But the 500 *l*. was payable at sight, the 304 *l*. not till 61 days after date?—Yes.

2043. Was it entirely Mr. O'Connell's own act giving you a bill payable in 61 days for the 304 *l*., instead of giving you a bill at sight as he had done in the case of the 500 *l*?—Decidedly his own act.

2044. Did you give any previous consent to any such arrangement?—I never had any conversation on the mode of transmitting this money, or the particular sums when sending it.

2045. Probably you had neither conversation with him, nor correspondence upon that subject?—Upon that particular subject I certainly had no correspondence or conversation.

2046. Do

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2046. Do you know why, as Mr. O'Connell had received the money himself in cash, he sent you a bill payable 61 days after date?—Not at the time; I inquired afterwards; I heard certain speculations about it, but at the time I never inquired and never thought it was worth inquiring into.

2047. Do you now know why it was that Mr. O'Connell sent part in a bill payable at sight, and part in a bill at 61 days after date?—No; Mr. O'Connell has mentioned at a subsequent period to me, that sending bills was an accommodation, and he mentioned to the gentleman who got the bills from him, that he would give the money at sight if the bills were not equally acceptable to me, and I sent back word that the bills were as good to me as cash, and therefore I would receive them as cash, but at the time when I received the 304*l.* bill, I never inquired why I received it; it was the same as cash, and therefore I received it as cash; it was sent to my bankers.

2048. When does the O'Connell fund or tribute become payable?—The time that I look out for the payment of the rent is November.

2049. Not before?—I think November is the time at which it is due.

2050. Not before, not in October?—No; the 15th of November was the date of the last payment of the O'Connell fund.

2051. When is the date of the first payment?—I dare say it is the same in all years; it was about that time last year.

2052. At what time does the money begin to come in?—I cannot say; but I know the 15th of November last year was the great day for receiving the payment; and I take for granted it was about the same the year before, and at former periods.

2053. Will you state how the two sums of 500*l.* and 304*l.* came to be fixed, rather than the entire sum that Mr. O'Connell had received?—The sum of 304*l.* was the amount of the bill of 300*l.* with what Mr. O'Connell, I suppose, considered was the interest from the time that it had to run; the bill covered 300*l.*

2054. I want to know why Mr. O'Connell remitted to you 800*l.* rather than the whole 1,000*l.*, or any other sum?—I do not know; I suppose that he thought that that sum was what was necessary at the moment for the then expenses of the election; he sent those two sums, and at the same time that he sent those two sums he expressly stated that he had received 200*l.* more, which was payable to me on demand.

2055. Is the Committee to understand that Mr. O'Connell remitted those sums upon his own judgment of what would be wanted, and not from any application on your part?—From his own judgment; I should say his words were, that he had sent one 500*l.*, and a second sum 300*l.*; this was in his letter sending me the 300*l.*, and there was still 200*l.* which you will send for as you may want it.

2056. Have you produced the letter in which that communication is made?—Yes. (Mr. Serjeant Wilde.)—It has been read.

2057. Sir F. Pollock.]—You say that letter has been read?—Yes, that letter was read; I think I heard it read on Friday last.

2058. Did you yourself apply for the cheque of 300*l.* which was drawn the 23th, and paid the 29th of July?—I did not ask for it myself; I asked our secretary, Mr. Fitzgerald, to apply for it.

2059. Did the cheque come to your hands?—The cheque was handed by Mr. Fitzgerald to me.

2060. Did you hand it over to Mr. Baker?—Yes.

2061. Were you aware at that time that Mr. Raphael had paid the second 1,000*l.*?—Oh, certainly; I should not have applied to Mr. O'Connell for it, or had application made to him for it, unless I knew that he had received it.

2062. You know nothing of the giving of that cheque beyond your sending Mr. Fitzgerald for it, and his giving it to you?—No.

2063. Did you send for any particular sum?—I did not for a particular sum; I think the words that I made use of were for about 300*l.*; I may say it was a particular sum that I did send for, that it was about 300*l.*, which we wanted.

2064. What was that wanted for?—Mr. Baker wanted it for the payment of the current expenses, the payment of counsel, and the payment of expenses that were going out of his pocket daily.

2065. Did you apply for the cheque for 250*l.*, which is drawn "pay election expenses"?—Through the same channel, Mr. Fitzgerald.

2066. Are you aware of the letters of Mr. O'Connell, which have been brought before

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before the Committee, and which had previously been published by Mr. Raphael?
—No, I had no cognizance of them.

2067. Are you now aware of them?—Yes, I have seen them, certainly.

2068. Has your attention been called to the letters that have been brought before the Committee written by Mr. O'Connell to Mr. Raphael, which had previously been published?—Certainly.

2069. Do you remember that in a letter dated the 26th of July, there is this expression, "You did not say to whom I was to apply for the second sum of a thousand pounds, according to your arrangement. It is necessary, absolutely necessary, that it should be paid this day," and absolutely necessary and this day are under scored. Are you aware of any necessity for the payment of the 1,000 £. on that 25th of July?—I am aware that expenses had already been incurred and expenses were about to be incurred; immediately on the striking of the Committee on the 28th, there would have been fees to a considerable amount; and Mr. Baker had mentioned to me that this money would be necessary, and in conversation with Mr. O'Connell I stated to him that we must have the money as soon as possible.

2070. Did you make any application to Mr. O'Connell for money?—Not directly; before the 28th.

2071. Did you directly or indirectly?—Not an application to him; I made no application to him; I had conversations with him about it.

2072. Are you aware of any necessity for the payment of the money on the 25th of July?—On the 25th of July there was no absolute necessity for the payment of the money, nor was there even on the 28th; money might have been forthcoming from other quarters, but if not necessary it was most advisable that it should be paid, that we might have money to pay our demands, as Mr. Baker wanted it; it was not absolutely necessary, as the money might have come from other quarters.

2073. Did Mr. O'Connell, when he got the money, apply more than a small part towards the expenses of the petition?—He applied that part which was actually wanted and for which application was made to him.

2074. How much was that?—£. 300. in the first instance.

2075. Is the Committee to understand that Mr. O'Connell, in every part of this transaction, was merely your agent?—I considered him throughout the transaction as my agent, that is, as the agent of the chairman of the committee, but as the agent of the committee I should say more correctly, my agent merely as the chairman and organ of that committee.

2076. Is the Committee to understand that you understood Mr. O'Connell to have been your agent on the account of the committee?—I have explained what I meant; my agent certainly not personally, but as the organ and chairman of the committee.

2077. What communication did Mr. O'Connell make to you on the 31st of May, as to the agreement he had made with Mr. Raphael?—He stated that he had made the arrangement of Mr. Raphael paying 1,000 £. immediately, and 1,000 £. on his being returned; the words were, on being nominated 1,000 £. and 1,000 £. on being returned; those were the terms of the arrangement which I had previously authorized him to make.

2078. Was that all that passed between you and Mr. O'Connell?—Not altogether; he mentioned at the same time he had gone further in his contract with Mr. Raphael than I had authorized him; that he had gone as far as to say, that if there were but one Member returned, that he, Mr. Raphael, was to be the one; and many other matters passed between us.

2079. Was there anything else?—I cannot state any of any particular importance.

2080. But in point of fact you were at the head of the poll by some accident or other?—I was; it was not by accident; there was one gentleman I could not persuade to vote for Mr. Raphael.

2081. Was that gentleman who so insisted upon voting for you alone the last person that voted?—No.

2082. Was he the last by a great many?—I do not know exactly; he was not certainly the last.

2083. Was it the first or second day that he voted?—I cannot say; I should think that he voted towards the middle of the poll.

2084. Had you no means of placing Mr. Raphael by some arrangement in the situation

situation that had been promised to him, at the head of the poll?—I certainly might have done so, but there was no necessity for it, and therefore it was not done.

2085. For instance, could you not have prevailed on many of your tenants to give plumpers for Mr. Raphael?—Decidedly; but there was no necessity for it.

2086. Did you purposely decline doing that, or was your attention not drawn to the subject?—My attention was called to it; but I thought it was of no consequence whether or not I was at the head of the poll; in case of there being any difficulty or doubt upon the occasion I should certainly have made that arrangement.

2087. Did you communicate to Mr. Raphael the state of the poll from day to day?—I think I did, either to Mr. Raphael or Mr. O'Connell; I am not certain whether I communicated to him day by day.

2088. Did you ever communicate to Mr. Raphael that he was not at the head of the poll, but that you were?—No, I do not think I did.

2089. Did you not represent to him that the numbers were equal?—I do not know; if they were equal at the time I sent him the statement he would have seen it.

2090. Did you not allow Mr. Raphael to remain in ignorance that he was the second upon the poll, and not the first, or equal with you?—I sent him the state of the poll, and if he were not at the head of it he was not in ignorance, for he had the actual state of the poll every day.

2091. Did you make a communication to anybody that you were 56 and Mr. Raphael only 55?—I did not say to any one that I was the head over Mr. Raphael; but I sent the state of the poll whatever it was.

2092. Are you aware that Mr. O'Connell's communication to Mr. Raphael was "Ultimate majority 56"?—I am aware of it.

2093. Was not that ultimate majority stated upon the authority of your communication to Mr. O'Connell?—I should say that it was stated on the authority of the printed bulletins of each day, and the reports of each day with my own representations; I believe I sent all those matters myself to Mr. O'Connell.

2094. Did you not write to Mr. O'Connell that the majority was 56, without calling his attention to the fact that Mr. Raphael was one vote behind you?—I certainly did not state anything particular as to my being at the head, or Mr. Raphael being at the head, but sent the state of the poll to him every day as it stood.

2095. When the Committee assembled on the 28th July, did Mr. O'Connell take any active part in the Committee?—Oh, yes, he was very active, as well as I recollect, in taking the names of those whose names were drawn in the ballot; he was active in the whole of the occasion; active in taking down the names, and in giving his opinion upon the Members.

2096. Did he afterwards attend the Committee at all?—No, I do not think he did, as soon as the result of the ballot was known.

2097. When did he first interfere in any way, on what occasion?—The first occasion was upon my asking him to come to meet Mr. Raphael and consult.

2098. What day was that?—He made an appointment through me with Mr. Raphael for the 2d of August at his own house.

2099. Was that appointment attended?—I believe it was; I am sure, in fact, it was from what followed.

2101. What passed on that occasion at Mr. O'Connell's house?—I am not aware of what passed, not being present, but the result of it was, that an appointment was made with Mr. Raphael for the 4th of August.

2102. You know nothing of the meeting of August the 2d; you were not present?—I was not.

2102. How came you not to be present?—I really do not know why that was, I cannot answer.

2103. Were you aware of the meeting?—I was aware of the meeting for I had been the organ of communication; I fixed the meeting, I believe, between them.

2104. Was that a meeting between Mr. Raphael and Mr. O'Connell alone?—It was; I mentioned to Mr. O'Connell that I wished that he would explain matters to Mr. Raphael; and at that meeting it was considered necessary, I understood, to have matters explained in my presence.

2105. Whenever you spoke to Mr. Raphael he disclaimed having anything to do with it, and always referred you to Mr. O'Connell?—Yes; from the time that the Committee was struck.

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2106. You were not aware of the letter that Mr. O'Connell addressed to Mr. Raphael, of the 3d of August?—At the time I was not aware of it, but I have heard a great deal of it since.

2107. When did you first hear of it?—I should say that the first time I ever heard of that letter, or knew of that letter, was from seeing it in Mr. Raphael's printed letter, some time in November, to the electors of Carlow.

2108. Before that, you had no knowledge whatever of the offer that was made to Mr. Raphael?—I had a knowledge, not of any offer made to Mr. Raphael, but I had some idea on my mind that Mr. O'Connell had some object in view, in doing something for Mr. Raphael, that might in some way have shown his anxiety to oblige him, particularly under the disappointment which he had suffered; I should say that I could almost have guessed what it was, but I had no regular intimation of it from Mr. O'Connell; when he saw Mr. Raphael in a state of great oppression and anxiety, he expressed his extreme compassion for him, and he said he was in hopes that something might be done that would be some relief to him under the circumstances of the case; that general observation took place during the period of the petition going on, and at a subsequent period, on the 28th of September, I remember the date particularly, for it was a meeting that I had with Mr. O'Connell at Bangor Ferry, or in the town of Bangor, he was changing horses and going on to Holyhead, and I was in the coach; at that period he referred again to the subject, and said, that he hoped that something might be done for poor Mr. Raphael; that what he had alluded to in London before might still be accomplished, or words to that effect.

2109. When did he first allude to that?—I think the first time was in London, some time about August, as the petition was going against us at the time, when Mr. Raphael was in a state of great excitement and depression. I cannot say that I had the smallest idea, except from my own suspicions, of what it was which Mr. O'Connell meant; I thought it might be something of the description which afterwards it appears to be; I should guess that it was his influence that he referred to, of getting a knighthood or baronetcy, which afterwards appeared; it was my own guess; I had no means of knowing anything more.

2110. What passed between you and Mr. O'Connell upon that subject?—I have already mentioned that; he stated his great feeling for Mr. Raphael at the moment, and that he thought something might be done to alleviate his disappointment, to soften it down.

2111. How early did it appear that the result of the Carlow Committee would be unfavourable to the seat of yourself and Mr. Raphael?—The very moment that the Committee was sworn.

2112. Why did you not immediately relinquish the contest?—I should have relinquished the contest if I had been the only individual concerned in it; I should have relinquished it the very day, but another gentleman was concerned with me, Mr. Raphael, who of course was to be consulted upon the occasion, and I was more particularly anxious to consult him, at all events to go on until he made his decision upon the matter, because we had already received 1,000*l.*, which ought to be appropriated to the expenses of this petition, the sum which I found had been stipulated for by Mr. O'Connell; and therefore I thought that he should be consulted as to our continuing on any longer or not. If I had been left to my own individual decision I should have at once resigned, the very day or the very first opportunity after the Committee had been struck.

2113. Do you remember on what day the question of your own 70 tenants was decided?—I do not recollect the day; they were not among the first votes; there were several votes knocked off from other causes, before they were entered upon.

2114. Did the question of the 70 votes occur until the last three or four days of the sitting of the Committee?—It was very late; they were among the last votes; I believe they were the very last.

2115. If those votes had been sustained would not the judgment of the Committee have been different from what it was?—If those votes had been sustained most probably our majority would not have been struck off, because our majority was not struck off at the time when that discussion commenced; I cannot precisely say how it stood.

2116. Your majority was 56, and 104 names were struck off, which reduced your

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your majority, leaving 48 as the surplus, if your votes had been good?—That is a matter of calculation; I think my votes amounted to 68.

2117. We will take them precisely at 68; would not that have left in your favour 46?—I think it would; I suspect, then, that 36 was the number that was struck off at the time when they commenced with my votes, and mine were the very last.

2118. But until your votes were struck off could the case be considered as hopeless?—They would have gone on with others; they impugned a considerable number of our other votes on the score of insufficiency of value, which of course they would have knocked off; they took mine in the lump.

2119. However, you say that you continued the contest some days on account of Mr. Raphael being joined with you?—I continued the contest till I communicated with him; I gave directions that it should go on till we came to an understanding how it was to be carried on; I endeavoured to get that understanding as soon as possible; but as I stated, I was not able to bring about the meeting till the 4th of August.

2120. I find, about the 14th of August, two bills were obtained from Mr. O'Connell, one for 275 *l.*, and the other for 399 *l.*, the one payable in 61 days, and the other in 99 days, drawn upon a person of the name of Ayre; do you know who got them?—Mr. Fitzgerald got them.

2121. Were the bills brought to you?—They were.

2122. Did Mr. Fitzgerald make that application by your directions?—Yes, he did.

2123. What did you direct him to apply for?—For the balance, in fact, of the 2,000 *l.* of the whole money.

2124. Was any statement made of what that balance would be?—No, I made no statement.

2125. Did you tell Mr. Fitzgerald about what sum he was to ask for?—No, I desired him to ask for the balance; that was made upon the assumption that Mr. O'Connell would at once ascertain it.

2126. Was your application for the balance in cash or in bills?—I made no particular demand either for cash or bills; I asked for the balance.

2127. Did you accept the bills for the balance for your own convenience or for Mr. O'Connell's accommodation, or for what other reason?—I received them with as much ease and satisfaction as I should have done the cash, Mr. Fitzgerald, at the same time, mentioning to me that Mr. O'Connell had particularly desired him to say, that if I wished for cash he would send me cash instead; I said that it was of no consequence.

2128. Did Mr. Fitzgerald state that to you when he brought you the bills back again drawn by Mr. O'Connell?—At the time when he handed me the bills he stated that circumstance to me.

2129. Were the bills drawn, as they were in that manner, for your accommodation or convenience?—Certainly not; I know not how they could be.

2130. Do you not believe that they were so drawn for Mr. O'Connell's accommodation or convenience?—I made at the time no comment upon the matter; whatever inferences I may draw now, there were certainly none made by me at the moment; or whatever inference I might have drawn from subsequent communication with Mr. O'Connell, I made none at the moment. I took it as a matter of course.

2131. Did you not at the time believe that it was for Mr. O'Connell's convenience that the bills were drawn at those dates?—I never thought on the subject; it was a speculation that never entered into my head at the moment.

2132. Do you not believe that they were so drawn for Mr. O'Connell's accommodation?—Mr. O'Connell mentioned to me since that, that he gave bills on Ireland as his money was chiefly in Ireland, and that it was an accommodation to him to give bills instead of cash, because he did not exactly wish to draw upon London when he had his cash in his banker's in Ireland, or words to that effect; he explained to me that it was an accommodation to him to draw upon Ireland instead of London.

2133. Were the bills drawn upon his banker in Ireland?—When I say his banker in Ireland, I mean his agent generally; they were drawn upon a gentleman of the name of Ayre, who I do not know to be a banker, but who was his agent at the time.

2134. Was not the bill drawn for 399 *l.*, payable at ninety-nine days, due on the

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the 26th of November, after the O'Connell tribute would come in; and was it not drawn upon the collector of that tribute?—The bill was drawn upon Mr. Ayre; whether Mr. Ayre was the collector of that tribute or not, I cannot say. The bill was drawn on a certain day, and the day on which it was due was a matter of calculation that I never inquired into, whether it was the 16th of November or any other day.

2135. Did you ever settle any account with Mr. O'Connell, giving him credit for those bills, either with or without the discount?—I never made an accurate settlement, but I understood from Mr. Fitzgerald, who had handed me those bills, that there was a surplus coming to Mr. O'Connell; that he had miscalculated the discount. Afterwards, at a future period, when I was arranging other matters referring to the election, I inquired of Mr. Fitzgerald what the sum was that was overplus, and he mentioned to me the sum of 15*l.*; and I then made a settlement, and gave an order for that sum to Mr. O'Connell.

2136. Was any calculation made at the time that you drew the cheque for 15*l.*; was any account gone into?—No accurate account was gone into.

2137. Were any vouchers produced?—None; my knowledge of the sum of 15*l.* was from Mr. Fitzgerald, and he told me that that was the sum that was due; his was a rough calculation, and it came very near upon examination, I found within a very few shillings of the actual amount, deducting the discount.

2138. What was the discount upon the 275*l.* bill?—There was, in the first place, 5*l.* for which I was charged by Mr. Baker on the 399*l.*; there was, in the next place, 3*l.* on the 275*l.*; then there was, for a certain portion of the time that the 304*l.* was at my banker's, 2*l.* 2*s.* charged; then, as I calculated within this day or two, there was also a certain sum which, if I made out an accurate account with Mr. O'Connell, I should have charged him with, for the difference between the time that I sent my bill to the banker and the time that it was discounted; for that I might charge, if I was to enter into an accurate detail of pounds, shillings and pence; and upon putting the gross sums together, it would amount within a few shillings to the sum that we reckoned.

2139. Have you, within a few days past, been turning your attention to the accuracy of the account?—Yes.

2140. State to what extent that 15*l.* was accurate?—I have stated that it was very nearly correct.

2141. Was it within 5*s.*?—Mr. O'Connell said the other day that it was 2*l.* odd that I still owed him, and I stated that it was not so much, because I had to charge him with a certain portion of the discount which intervened between the time I received the bill and the 4th of July; I lodged it at my banker's on the 16th of June, and it was not discounted till the 4th of July; and I said that there was a certain sum he owed me for discount for that time. It was a matter that I never would have thought of; but in taking up an account of that sort, I state that such would have been the case, that that ought to have been put down to my account if we came to pounds, shillings and pence.

2142. Did you return him the sum of 15*l.* before the bill of 399*l.* had actually been paid?—I do not know when the bill for 399*l.* was actually paid; it was charged to my account long previously to that; the credit was given to me for it in Mr. Baker's account for 394*l.*, deducting 5*l.* for discount.

2143. How came you to return him 15*l.* before that bill of 399*l.* was actually due and paid?—I had nothing to say to the payment of that bill; I had only anything to say to discount which I was charged with myself by Mr. Baker some months previously to my sending the 15*l.*

2144. Why was it necessary for you, on the occasion that you drew that cheque of 15*l.*, to return Mr. O'Connell that money at all?—Because I understood that he had overpaid me, and that was the sum which I understood was overpaid.

2145. Was any account made out exactly showing the amount of 15*l.*, or any money at all?—No account was made out at all; I took the amount from Mr. Fitzgerald's observation to me; I asked him how much was due, and he said 15*l.*

2146. State as nearly as you can on what day you drew that cheque?—I stated the other day that I could not tell the day, although I recollected drawing that cheque; I stated the day when it was paid; since then I have turned my attention to it and I think I can now state the day, for it was the day on which I also wrote another letter to Mr. O'Connell; I sent him both about the same day that the date

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of the check was, the 3d of November; I cannot swear to it accurately, but that is the day which I should choose as the most probable.

2147. Was it at Mr. Fitzgerald's suggestion entirely that you returned that sum of 15 £?—No; I knew that there was a sum due to Mr. O'Connell, and I inquired of Mr. Fitzgerald, who knew the matter and had conversation with Mr. O'Connell upon the subject; when paying the balance, Mr. O'Connell told him that there was something over.

2148. When paying what balance?—When giving in those bills.

2149. Did he bring back a message that there was too much?—Yes, he said that there was too much, that there was a balance due to Mr. O'Connell, that he had made a mistake in the calculation in my favour; I understood so.

2150. Do you know who fixed upon those two sums of 275 £. and 399 £.?—Mr. O'Connell, I take it for granted, as Mr. O'Connell drew the bills.

2151. Have you any copy of the agreement or memorandum, or whatever it is to be called, that was drawn up on the 31st of May and dated the 1st of June?—I have no copy of it.

2152. Did you learn from Mr. O'Connell that it had been reduced to writing?—I did.

2153. When did you so learn; did you learn it the same day?—I would state that on the same day, that is, the 31st of May, the day on which I left London, Mr. O'Connell mentioned to me that everything was settled, and definitely settled, between him and Mr. Raphael; I cannot say that he stated that it was reduced to writing.

2154. When did you first know that it had been reduced to writing?—I first knew it some time after my return from Ireland, on our return after the election; pending the business of the petition, I asked Mr. O'Connell for the exact terms, as I had understood from Mr. Raphael that there was some difference in what he understood to be the terms, and what I understood to be the terms, and then for the first time Mr. O'Connell read it to me; I saw the agreement, but I did not read it myself. Mr. O'Connell read it; the particular time I cannot say, but it was pending the petition.

2155. Mr. O'Connell read it to you?—Yes.

2156. From a written paper?—Yes, either from the document itself or a copy of it.

2157. Was Mr. Raphael present at the time?—No.

2158. Give as nearly as you can the date of that occasion when Mr. O'Connell produced what purported to be the original or a copy of it?—I cannot state at all the time.

2159. Was it before or after the Committee was struck?—I really cannot say; it was certainly some time after my return to London, and I should think about the time that the petition was actually presented; I should be sorry to bind myself to any particular date.

2160. Did you then for the first time see either the agreement itself or a copy of it?—I saw it, but I did not read it; Mr. O'Connell read the conditions to me.

2161. Did it correspond with that which has since been produced before the Committee?—I think so; it is the very identical one or a copy.

2162. Did you learn from Mr. O'Connell whether that was a copy which he had kept himself, or whether he had borrowed the original of Mr. Raphael?—I do not recollect; nothing passed upon the subject of its being a copy or the original, that I remember. It was a paper which I took to be an authentic paper, but whether a copy or original I cannot say.

2163. Are you able to state that at that time Mr. O'Connell had in his possession either the original or a copy?—Certainly.

2164. Is the Committee to understand that up to that time he never communicated to you the precise terms in writing?—Never the precise terms in writing till that time.

2165. After your interview with Mr. O'Connell on the 31st of May, did you communicate to the Liberal committee at Carlow the terms that he had made?—Yes, I did.

2166. In the event of there being no petition against your return, what was to become of the second 1,000 £.?—It was to have gone to the fund that we had then in existence as a fund for the support of the persecuted electors of the county, and other purposes connected with the independence of the county, such as registry,

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and any other matters that were connected with the independence of the county.

2167. Was any part of it to be applied to pay the expenses of the petition by which Messrs. Bruen and Kavanagh had been unseated, their election being declared void?—At the period in which I went to Ireland during the election, I had not then the slightest idea that any portion of that money was to be applied to a subsequent petition. In that point I found that Mr. O'Connell had exceeded my instructions; and it was at a subsequent period, at the period which I now refer to, at that meeting in which Mr. O'Connell read to me those conditions, for the first time was I aware that the petition was mentioned. I immediately acquiesced in it. I mentioned that it had exceeded what I thought was the understanding between us; but I had no objection to it in the world, particularly as the petition was then actually pending; but previously to this, in my communication to the electors at Carlow, I had mentioned that second 1,000*l.* was to go to the county purposes, which in my understanding was the object of it.

2168. Was any part of it to be applied to the expenses that had been incurred in unseating Messrs. Bruen and Kavanagh?—Not of that second 1,000*l.*

2169. Was any part of the first 1,000*l.* to be applied to that purpose?—Certainly, that was my understanding.

2170. To what extent?—The election expenses were to be defrayed in the first instance, and then the surplus of the 1,000*l.* would have gone to the expenses of the petition that had unseated the Members; that was the understanding; I did not state any particular sum, because I did not know what the election expenses would amount to.

2171. You have stated that the election expenses would be about 600*l.*?—I calculated that the election expenses would be about 600*l.*; and if I had the management of the same election, I should have confined them within 600*l.*

2172. Then there would have been a surplus of 400*l.* to defray in part the expenses of the petition in May?—Yes, that was the understanding that I had with Mr. Raphael, and if I mistake not, I mentioned that the election expenses would not exceed 600*l.*; at the same time, I found them exceed considerably that sum, for Mr. Raphael's reputation for generosity was such, that our bills were twice as much for it; if I had to fight my own battles, I dare say I should have fought it for 400*l.*; but Mr. Raphael's generosity made the demands double what they would otherwise have been.

2173. Who were liable for the expenses of that petition of May 1835?—I considered myself as responsible to Mr. Baker for those expenses.

2174. Is there any doubt about that?—Not the smallest doubt; I stated to him that I would be responsible for them.

2175. Was anybody responsible to you?—I considered that the county was responsible to me; I advanced the money on the faith that the county would repay me, but with very little hopes of it; I was perfectly aware, in the first place, that they were not able to do it; and secondly, if they were, that I should not press them.

2176. Whom do you mean by the county?—The freeholders of the county; the independent popular party of the county.

2177. Do you know who were the petitioners?—They were certain electors who were resident in the town of Carlow.

2178. Robert Lalor and Miles Nolan?—Yes.

2179. Were not their names used merely for the occasion without any intention of throwing the expense upon them?—Certainly, it was matter of form, as I understood it.

2180. And I take it for granted that it was never intended that they should pay the expense in any event?—Not those individuals.

2181. Were you one of the sureties for that expense?—I think I was; myself and Mr. Blakeuey, I think.

2182. Am I to understand that Messrs. Lalor and Nolan were not to pay?—Certainly, not to pay.

2183. You were examined upon your oath as a witness before that Carlow Committee; do you remember that; were you examined, and upon oath?—I was examined certainly.

2184. And upon oath?—Upon oath.

2185. Will you tell me whether you did not give the following answer to the following

following question: "We have understood that all the petitioners are shopkeepers, and men of that description?" that is the question; was this your answer: "Yes, the petitioners are men of respectability as shopkeepers and tradesmen in Carlow?"—Yes, I should make the same answer now.

2186. Then there is this question: "Do they pay the expenses of this discussion, or are they indemnified against it?" This is the answer: "I really do not exactly know that; I believe one of them has entered into a recognizance; if I mistake not, I saw his name." Do you remember giving that answer?—I do not remember the answer, but I suppose it is the answer that I gave.

2187. Now I beg particularly to call your attention to this third question and answer, "Can you tell me whether they are to pay, or whether they are indemnified by anybody?" and did not you give this answer, "I know nothing about it"?—It is probable that I gave that answer; not only probable, but I take it for granted that I did as it is in the minutes.

2188. Now I ask you this question, did you not before that Carlow Committee represent that you had nothing to do with the expenses, you were then a witness?—Not that I know of; I do not think that I was asked the question; I only know that I had made myself responsible to Mr. Baker, the agent, for the expenses, and if I was asked the question I should have answered it directly; the sureties are merely matter of form, and entering into recognizance I know nothing about, I was not aware of what the terms were; but I was perfectly cognizant at the time that those individuals would not have been called upon, or if they were *pro forma* called upon, that the expense would ultimately fall upon myself.

2189. Then how came you to state in answer to the question, "Can you tell me whether they were to pay or whether they are indemnified by anybody?" I know nothing about it."—Because I knew nothing about their being called upon *pro forma* to pay, or having indemnities for them; I knew not the mode in which they were bound; but I knew the real mode in which they were bound, and that they would not have been called upon to pay; whether they would be called upon to make this petition perfect or not I was unaware; that those were matters of mere form in prosecuting the petition, the particular mode of which I did not understand; but I knew the fact to be that they would not have to pay, and that I should have to pay, though they might be called upon by their recognizances, or whatever were the terms in which they had entered.

2190. On a former occasion you stated that you did pay to the extent of 700*l.*?—I paid to the extent of, I should certainly say, 700*l.*; I could state accurately two sums that I paid, and others I could make a rough calculation upon, but it certainly cost me that money.

2191. On the 3d of November in last year, you addressed a letter to Mr. O'Connell?—I did, I think it is the 3d of November.

2192. On the very day that you drew that check for 15*l.*?—I think it was on the day; I am pretty sure that it was at the same time.

2193. Just run your eye over that, and tell me if you believe that to be a copy of the letter you addressed to Mr. O'Connell on that day?—[*A letter being shown to the Witness.*]—Yes, I think it is; I have not got a copy of it and therefore I cannot compare them, but I have seen it before.

2194. I ask you this question; before you returned to Mr. O'Connell the sum of 15*l.* by the check that you have stated, had you not seen Mr. Raphael's letter in the newspaper?—I think it is very probable this letter was in consequence of my having seen Mr. Raphael's letter, and my sending 15*l.* was simultaneous with this letter.

2195. Then the 15*l.* was not returned to Mr. O'Connell until you had seen Mr. Raphael's letter in the newspaper, which was dated the 20th of October, and appeared in the paper on the 31st of October?—My letter to Mr. O'Connell was written almost immediately; I do not know that it was the same day, but almost immediately on my seeing Mr. Raphael's letter.

[*The Letter was delivered in and read, as follows:*]

My dear O'Connell,

Carlow, November 3, 1835.

Having seen, in one of the Dublin papers of yesterday, a letter from Mr. Raphael, of London, in which he refers to certain transactions relating to his late election for this county and subsequent petition, I do not delay a moment in stating that the insinuations conveyed against you in that gentleman's letter respecting pecuniary matters are perfectly unfounded, I make use of the word insinuations, for I see no direct charge, nor indeed can I by any

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means divine the object of the publication. The whole of the sum handed to you by Mr. Raphael, to cover the expenses of the contest in which he was returned for this county, was transmitted by you to the county, through me, to the uttermost fraction. The greater portion of the money being intended to defray expenses incurred in this county, was necessarily remitted by bills on Dublin. If it were not superfluous for me to bear testimony to the people of Ireland, in any proceedings in which your honour is involved, I would add that all the transactions between Mr. Raphael and this county, in which you acted as the mutual friend of both parties, and to all of which I believe I was privy, your conduct was the most liberal, upright and honourable.

Believe me ever yours,
N. A. Vigers.

2196. *Chairman.*—Was this letter written without any application to Mr. O'Connell?—Yes, immediately on seeing that letter of Mr. Raphael, I wrote this of my own accord.

2197. *Sir F. Pollock.*—I believe it is not quite correct in its details: the whole of the money was not transmitted to the county?—Through me it was to the county committee; of course I mean through me; not to the county, but through me.

2198. Was Mr. Fitzgerald aware of your writing this letter to Mr. O'Connell?—I dare say he was; I can scarcely say that he was; but it is probable that he was.

2199. Was any complaint made during the progress of the Carlow petition of July the 28th in last year, about the money having been given in bills?—I remember on one occasion Mr. Raphael and Mr. Hamilton inquiring from me about the 1,000*l.*, whether it had been paid or not to Mr. Baker, and I think I mentioned that it had been paid, that it was handed over to him by me; and upon inquiring more particularly into the matter, I mentioned the circumstance of its being partly paid in bills; if I mistake not, Mr. Raphael shrugged up his shoulders, or made some expression of disapprobation, although it was not an absolute complaint.

2200. On what occasion did that occur?—It was in the course of one of the many conversations which we had about that period, I cannot state when.

2201. You remember after the meeting of the 4th of August Mr. O'Connell did not come near the Committee at all?—I do not think Mr. O'Connell attended a Committee meeting.

2202. Did you attend it?—I attended very regularly.

2203. Did Mr. Raphael attend regularly?—After the 4th of August, Mr. Raphael attended, I cannot say at all times, but very frequently.

2204. Did not Mr. Raphael complain of Mr. O'Connell's conduct in deserting him?—Mr. Raphael two or three times complained to me that Mr. O'Connell did not treat him with the respect that he had expected, and wished for; he did not make a complaint; he stated it not formally as a complaint, but he stated incidentally in conversation that he was sorry for it, and regretted it, and found fault with it.

2205. Did he not complain that he was left to fight the battle himself?—No; what I now remember of the complaint which he made was, Mr. O'Connell treating him with a little degree of hauteur or inattention.

2206. Did he not complain that he was left to fight the battle himself?—I should say not.

2207. You say he never made any such complaint?—No, not that he was left to fight the battle himself.

2208. What complaint did he make?—That Mr. O'Connell did not treat him with sufficient attention, that was one complaint that he made.

2209. I take it for granted that he never communicated to you Mr. O'Connell's letter of the 3d of August?—Never.

2210. How soon after the 4th of August had you any intimation that something of that sort might be going on?—I cannot say whether it was before or after, but it was about that time, about the 4th of August.

2211. Do you mean to say that in this matter Mr. O'Connell acted entirely as your agent, or through you as agent, of the Liberal committee?—Decidedly.

2212. And in no respect except as agent of you, or through you, of the Liberal committee?—In no other respect.

2213. *Chairman.*—Are the Committee now distinctly to understand from you that the 2,000*l.* paid by Mr. Raphael was expended in the legal expenses of the election, and in the defence of the petition?—Every shilling of it was expended in what I consider legal and necessary expenses, and what I am advised are legal and necessary expenses.

2214. Was

2214. Was the 2,000*l.* always forthcoming when you applied for it to Mr. O'Connell, and when paid in bills on long dates was there any loss or delay attending them?—The money was forthcoming the very instant it was wanted and called for, and the transaction respecting bills did not cause us to lose one single shilling of the money, nor was there loss to any individual in consequence of those bills.

2215. Was the money always transmitted through you?—The money always was transmitted to me; in some instances it did not remain in my hands for above a few minutes; in one instance a cheque for 300 *l.* was handed to me, and then handed by me to Mr. Baker, the agent, but the whole of the money went through my hands in the first instance.

2216. Did you ever give Mr. Raphael to understand that you were to subscribe an equal sum with himself in support of the election?—Certainly not; I gave him at no time to understand that I was to advance for the election any sum beyond that which I had already advanced for opening the seat; he understood perfectly well that the whole expenses of opening the seat, or the greater portion, fell upon me, and what he advanced for the election expenses they were for himself, and he perfectly understood that I would not advance anything towards those expenses, we understanding that the 1,000*l.* would cover the election expenses.

2217. You mentioned, on Friday, having a copy of Mr. Raphael's address to the electors of Westminster, which he gave you in November 1834; have you found it?—No, I have not; he gave me several copies at that time, which I distributed among the friends in Carlow: I have not one at hand.

2218. Do the Committee understand you give the answer you gave just now, that you ever gave Mr. Raphael distinctly to understand that you were not to pay him any proportion of the expense?—I gave him distinctly to understand, that as far as the election went I was not to advance a single shilling in the contribution towards the expenses.

2219. Was the distinct understanding, that out of the first 1,000*l.* paid by Mr. Raphael the election expenses were first to be paid, and if there was any balance it was to go to the petition that unseated Messrs. Bruen and Kavanagh in May?—Yes.

2220. That the second 1,000*l.*, if not wanted for the petition that followed, was to go to the fund of the Carlow Liberal club?—Exactly. I would observe, that the words, if not wanted for the petition, should be omitted, for it was to go, under any circumstances, in the case of his being returned, to that fund.

2221. Do you mean that this was not merely your construction of it, but that you believed that Mr. Raphael also understood it in this point of view?—That was my construction of it, and which I meant to convey to him; whether he understood it or not I cannot exactly answer, but I intended to convey that to him.

2222. Did you consider Mr. O'Connell solely and entirely responsible for the 2,000*l.* advanced by Mr. Raphael?—I considered that he was responsible to me for those sums, Mr. O'Connell alone having received that money.

2223. Sir Frederick Pollock.—Your letter to Mr. O'Connell is dated the 3d of November?—Yes, I see it is dated the 3d of November.

2224. Where did you send the cheque to?—I sent the cheque to Merrion-square at that time. I was not certain where Mr. O'Connell was; but I knew that by going to Merrion-square it would reach him, and I sent to Merrion-square.

2225. How soon would the letter reach Dublin?—The next day; if I dated it the 3d, and put it into the Post-office, it would reach on the 4th.

2226. If that were delivered at Mr. O'Connell's house, how soon would it get down to Derrynane?—It would go off in the same night's post, and I suppose it would take two days.

2227. I see Mr. O'Connell's last letter is dated the 6th of November, in which he speaks of that sum of 15*l.*: "I have to add that I paid Mr. Vigors at the time, and as he called for it, the entire 2,000*l.*, not only to the last farthing, but that I actually made a mistake and overpaid him by 15*l.*, a mistake which he soon discovered, and of course repaid me that sum;" did you send any communication to Mr. O'Connell at Derrynane that you repaid that sum of 15*l.*?—I had no communication with him upon the subject, but the transmitting the cheque of 15*l.*

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2228. In this letter of the 3d of November, do you remember how you addressed it?—I should say to Merriem-square.

2229. You do not say in that letter that you had returned 15*l.*?—No.

2230. Did you write two letters to Mr. O'Connell on the same day?—Certainly.

2231. One containing the 15*l.*, and the other a general statement, referring to any receipt of the 2,000*l.*?—This letter, I should say, that has now been read, I wrote to Mr. O'Connell, on the supposition that he would make use of it, and of course I sent it separate from any other letter which might pass between us; that was a letter that I did suppose it most probable that he would publish.

2232. Then is the Committee to understand that one letter was intended for publication, and the other was intended to repay the 15*l.*?—Yes, among other matters, I think it is probable.

2233. Have you any copy of that letter which enclosed the 15*l.*?—No; indeed, I have not a copy, I believe, of five letters that I ever wrote.

2234. But I read you that passage of Mr. O'Connell's letter, about your having "overpaid him by 15*l.*, a mistake which he soon discovered, and of course repaid me that sum;" is the Committee to understand that according to your view of the transaction, Mr. O'Connell would receive the account of the 15*l.* being received on that very day?—He was aware of it at the very time that he drew the bills, for he mentioned it to Mr. Fitzgerald.

2235. Was he aware before the 6th of November that you had repaid the 15*l.*?—Certainly not; he did not receive it until that moment. He was perfectly well aware that I would repay him, but not that I had done so.

2236. Mr. *Barnes*.]—Was the whole of the first 1,000*l.* absolutely paid towards the expenses of the election of 1835, or was any part of it paid towards the petition in May 1835?—I should say that the whole of it has been expended on the election alone, and considerably more than that. I should state that I cannot give the exact sum.

2237. Mr. *Serjeant Wilde*.]—I wish to refer the Committee to the letter that has been alluded to by my learned friend, which I said had been read; that letter is set out in the proceedings of the 4th, beginning, "My dear Vigors, I sent you yesterday," &c.; was your communication with Mr. Raphael limited to his being a candidate for Carlow at that particular election, or with a view to a general connexion with the county?—With a view to a general connexion with the county; in point of fact, my proposals to him were that he should identify himself with the county, and that he should purchase to a great extent, which he gave me reason to suppose that he would do. He went so far as to say, in our original communications upon the subject, that he would not only purchase estates there, but build and plant, and improve the country to a considerable extent. He stated that he would make a second Fonthill there, and be went even beyond me in his professions of anxiety to do so.

2238. Then your communications were directed to his identifying himself with the county, and being permanently a Member for the county?—Yes; I expressly referred to my reasons upon which I could ensure him the certainty of representing that county, if he realized those professions of his. I mentioned to him that it was exactly the same plan that had been pursued by the father of the present Representative of that county, the late Colonel Bruen, who had made a large fortune in the American war, came over to that county a stranger to it, as he, Mr. Raphael, was at the moment, purchased large property in the county, settled in the county, and ultimately became the Representative of that county. I pointed out to him that that was a precedent for him to act upon; and while I held out those views to him, I told him what had been realized by his predecessor in the representation of the county.

2239. After the Committee had sat upon the petition against Mr. Raphael and yourself, had you any communication with him as to his becoming a candidate for the county on a future occasion?—I had many interviews upon the subject, I and other members of the committee; we had several meetings, in all of which we expressed our hope that he would adhere to us, as we should adhere to him; that he was not to be depressed, we represented to him, by the disappointment that had taken place; that our hopes were a little checked for the moment, but that we should soon get over these obstacles, and we have done so since; and we then explained to him that he would still be more united to us in consequence of those

misfortunes;

misfortunes; that we would adhere to him more faithfully in consequence of his having lost his seat.

2240. Did you, then, leave England for Ireland after the determination of that petition?—About the 27th of September.

2241. And how near to the period of your departure had you communication with Mr. Raphael upon the subject of his being a candidate for the county upon a future election?—I had several communications with him previous to the 17th of September, but could get no definite answer from him; on the 17th of September was the last communication I had with him, and that was by a letter, of which letter I have preserved a copy.

2242. The second 1,000 *l.* was to be paid in the event of Mr. Raphael being returned a Member; had you ever made inquiry, or caused application to be made to Mr. O'Connell, to know whether that second 1,000 *l.* had been paid according to arrangement?—I had previous conversations with Mr. O'Connell upon the subject previous to the 28th of July, in which time I understood it had not been paid.

2243. Had you urged its being paid or called for?—Yes; I mentioned expressly that we must have it, or we could not well go on without.

2244. Do you happen to know whether the tribute, or rent, as it is called, the subscriptions to Mr. O'Connell, are paid at any particular time in Ireland, or at the convenience of those who are subscribers to it?—I believe they are paid at various times; the grand subscription last year was on the 15th of November, but a vast number of subscriptions came in afterwards. I have seen various accounts of meetings of subscribers.

2245. Are you aware whether there is any stated time of its being paid, or whether it is according to the convenience of those who pay it?—Generally according to the convenience of those who pay it; it is voluntary, and, of course, the time is as voluntary as the sum.

2246. Had you given, or had any other person that you know of given, any indemnity to the two petitioners whose names have been mentioned; do you know of any indemnity having been given to them?—There are certain matters of form which I do not understand, but which I believe were complied with.

2247. My question to you is, whether you had promised those persons to indemnify them, or know of any such promise having been made?—I do not know that any actual promise or indemnification was made to them; but I know that they understood perfectly well that they would not be at the smallest expense, as I understood that I should be at all the expense.

2248. And from what sources were those expenses, according to your impression, to be furnished?—They were to be paid by the county; we considered by subscription from the county, and subscriptions were actually entered into to some amount, and transmitted to me, but they fell very far short of what the expenses were likely to be, and therefore I told Mr. Baker, as we were going on, that he might look to me for the remainder.

2249. Your letter to Mr. O'Connell was written without any previous communication to Mr. O'Connell, either verbal or written?—Yes; the first impulse of my mind was to explain to him, and through him to those that were concerned in the matter, that he had not the slightest participation in the 2,000 *l.*

2250. Will you explain the meaning of your expression that the money was remitted to the county?—It was remitted, through me, to the county committee, to the independent interest of the county; if I should embody it in one expression, the county committee.

2251. Were the members of the committee at that time in London?—The greatest number were.

2252. Were they in communication with you upon the subject of that petition?—Yes.

2253. And were they aware of those payments?—Yes, every one of them.

2254. You returned to Ireland in the month of September, after the determination of the petition?—I did.

2255. Had you been in Ireland after the time you were returned with Mr. Raphael, up to the time in September when you returned again, subsequently to the petition?—No, I came over and took my seat after my election.

2256. Did you, upon your return to Ireland at the time you have mentioned, adjust your accounts with Mr. Fitzgerald?—Yes, I inquired into them, and

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adjusted those that were capable of adjustment; some still remain to be settled at a future period.

2257. He was secretary of the committee?—Yes.

2258. And was it upon that occasion that you had your communication with him upon the 15 *l.* overpaid by Mr. O'Connell?—Yes, I was in constant communication with him, and I asked him the question.

2259. You stated that Mr. Fitzgerald, when he brought you the two bills of 275 *l.* and 300 *l.*, stated that Mr. O'Connell said that he had overdrawn the amount; did he state any sum?—I do not think he did; he might, and I forget it; I wished to know the sum afterwards.

[The Witness withdrew.

Mr. Edward Michael Fitzgerald, was called in; and Examined, as follows:

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2260. Mr. Serjeant Wilde.]—I BELIEVE you reside at Carlow?—Yes.

2261. Did you act as the secretary of the independent interest or Liberal club there?—Yes, I did.

2262. How long have you acted in that capacity?—I think since the latter end of December 1832.

2263. Are your services gratuitous, or are you paid?—Gratuitous.

2264. From your situation as secretary of that committee, do you know whether since 1832 they have been in communication with various gentlemen upon the subject of the representation of the county?—I do.

2265. Did you ever and when first hear of the name of Mr. Raphael upon the subject of the representation of that county?—I think some time in 1834.

2266. From whom did you first learn the name of Mr. Raphael, in connexion with the county representation?—I think by a letter of the Rev. Mr. Maher, received from Mr. John Tyrrell, of London.

2267. Do you know, from your situation as secretary, whether any inquiries were caused to be made by the committee respecting Mr. Raphael?—I do; I was instructed to write to Mr. Vigors upon that subject.

2268. Do you remember Mr. Tyrrell, of London, visiting Carlow in the year 1834?—Yes.

2269. Had you communication with him upon the subject?—I had, and I know that several other members of the committee had; I think that Mr. Maher was present and several other members when Mr. Tyrrell called at the club to mention the subject to us.

2270. Did you come to England with any members of the committee in May 1835, to attend the petition against Mr. Bruen and Mr. Kavanagh?—I did.

2271. How many of the members of the committee were in attendance with you upon that business?—Five or six.

2272. Did you come over in your characters as members of that committee, and acting on behalf of the association or club?—Some came over in the character of witnesses, others as members of the committee.

2273. During the time that you were in England in attendance upon that committee did you see Mr. Raphael?—I did.

2274. Had you or had any other persons from Carlow any communication with Mr. Raphael in your presence, upon the subject of his becoming a candidate for the county?—No, not any in my presence.

2275. But you saw him?—Yes.

2276. Had you any conversation with him at all?—I think Mr. Vigors introduced me to him as the future candidate of the county of Carlow.

2277. That was during your attendance upon the petition in 1835?—It was the day that the Committee declared the election of Messrs. Bruen and Kavanagh void.

2278. Where did that introduction take place?—At the Bazaar, in St. James's-street.

2279. Where were you when you first learned the decision of that Committee?—I was attending the sitting of the Committee at the Sessions-house, Westminster, and I proceeded from that to inform Mr. Vigors of the result.

2280. And you say that he introduced you to Mr. Raphael as the future candidate; will you be so good as to state in what manner it passed?—As I told Mr. Vigors of the fact of the Committee having unseated Messrs. Bruen and Kavanagh,

Kavanagh, Mr. Raphael approached and asked, I think, "What news from the Committee?" or something to that effect, and Mr. Vigors said, "The seat is open for any lord mayor or sheriff;" something to that effect.

2281. What passed in reference to your introduction to Mr. Raphael?—Mr. Welsh, and I think Major Bryan, were in conversation at the time, and Mr. Raphael took Mr. Vigors aside, and remained for a quarter of an hour in consultation upon the subject; before they parted, Mr. Vigors introduced me to Mr. Raphael as the secretary of the county, and Mr. Raphael to me as the future candidate.

2282. I do not ask you what Mr. Vigors said to you, but did he make any communication to you as to what had passed between him and Mr. Raphael?—Yes; he stated that he and Mr. Raphael had a conversation upon the vacancy, and that he had proposed terms to Mr. Raphael, which Mr. Raphael said he would take a day to consider of and consult Mr. O'Connell upon the subject.

2283. You returned to Ireland after that, and were in attendance during the election?—I was.

2284. Do you remember any remittances arriving from Mr. O'Connell?—Yes; Mr. Vigors showed me a draft upon the provincial bank of Carlow for 500 l.

2285. Were you also aware of the bill for 304 l. arriving?—Yes, I was.

2286. Were you actively interfering in promoting the return of Mr. Raphael and Mr. Vigors?—Very actively.

2287. And were the committee also active?—Very active.

2288. Did you come to England in consequence of the petition which was presented against the return of those gentlemen?—I did.

2289. When did you arrive in England?—I should think, some five or six days before the day of the ballot of the Committee. Mr. Maher and I came to London some few days before the other witnesses; we had some business in London.

2290. Did any of the members of that committee come to England with you?—Mr. Maher and I travelled together.

2291. Did any other gentlemen of the committee come?—A good number.

2292. Were you at any time instructed by Mr. Vigors to make any application to Mr. O'Connell upon the subject of money?—I was.

2293. When was it that you were first instructed to make an application?—I think it was the evening of the ballot, immediately after the ballot on the 28th of July.

2294. What application did you make to Mr. O'Connell?—For 200 l.

2295. What occurred between you and Mr. O'Connell?—He brought me to the lobby of the Members' gallery, and gave me a cheque for 300 l. upon his banker; I think that was the amount of the draft.

2296. To whom did you give that draft?—To Mr. Vigors.

2297. Do you know, from having been present, how Mr. Vigors disposed of that draft?—I think he gave that draft to Mr. Baker.

2298. You say your application was for 200 l. and you received a draft for 300 l.?—Yes.

2299. When next did you make any application to Mr. O'Connell?—I think some few days afterwards.

2300. What was then the application which you made?—I cannot say that I stated any particular sum that I wanted, but he gave me 250 l.

2301. Was that as much as you asked for?—The impression on my mind is, that I did not ask for any particular sum.

2302. Did you ask for any more than he did give you?—No.

2303. Did you get that at the same interview at which you applied for it?—Yes.

2304. And the 300 l. likewise?—Yes.

2305. When next did you make any application to Mr. O'Connell?—A greater space elapsed than between the 300 l. and the 250 l.

2306. When was the third application to Mr. O'Connell?—I met him in the lobby of the House of Commons in the evening, at eight or nine o'clock, and I told him that Mr. Vigors told me to call upon him for the balance of the 1,000 l. I think, and he desired me to call upon him the next morning at nine o'clock.

2307. Did you call upon him the next morning?—I did.

2308. What did he say to you?—He handed me two bills, saying, that his money was in Ireland, and that if those bills would be no inconvenience to Mr. Vigors, they would be of convenience to him, but if there were any inconvenience,

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nience, to bring them back, and he would change them; and I said that I thought they would not be inconvenient, as one might be transmitted to Ireland for the payment of the debts of the election.

2309. Did you deliver that message and the bills to Mr. Vigors?—I did.

2310. Did you, at the time you received those bills, or at any other time, inform Mr. O'Connell that there was any objection to receiving the bills?—No, no objection; I told him that I thought that the bills would be equal to cash.

2311. When you gave the bills to Mr. Vigors did he make any objection to receiving them instead of cash?—No; he said they were all the same, quite sufficient.

2312. Were you present when either of those bills, or both of them, were given to Mr. Baker afterwards?—I do not think that I was.

2313. Do you know of one of those bills, the 275 *l.* bill, being delivered back by Mr. Baker?—I do; I was present when Mr. Baker delivered it back.

2314. Did you afterwards receive a part of the proceeds of the 275 *l.* bill, to pay election expenses in Ireland?—I did; I received 268 *l.* 10 *s.*

2315. From whom?—From the Rev. Mr. Maher.

2316. Had the bill been transferred from Mr. Vigors to Mr. Maher?—It had.

2317. Do you know whether Mr. Vigors had made any advances to the witnesses that had been brought from Ireland to attend the petition?—I do.

2318. Had he made those advances in England or in Ireland, or in both places?—Both, I think; there was a large sum paid.

2319. Were you present when Mr. Vigors settled with Mr. Baker as to that 1,000 *l.*?—I was.

2320. Do you remember whether Mr. Vigors claimed any, and what sum, on account of the payment to witnesses?—I cannot exactly remember the amount; I know that he did claim a sum.

2321. Did Mr. Baker make any objection to that, or was it agreed between them?—It was agreed between them.

2322. Was that the time when the 275 *l.* bill was returned?—I should think it was.

2323. Do you remember whether it was or not?—I do not recollect.

2324. You were present, you say, when that amount of payments to the witnesses was claimed?—Yes.

2325. Have you the means of knowing whether this sum claimed by Mr. Vigors had been advanced by him; had you made them in part yourself?—The witnesses that came from Ireland told me that they were paid a sum in Ireland amounting nearly to 100 *l.*, or 90 *l.*

2326. But were you present when Mr. Vigors made those advances, or did you receive the money?—I had received a sum from Mr. Vigors to pay them.

2327. Do you know, of your own knowledge, of Mr. Vigors having advanced money in London on account of their expenses?—I do.

2328. Were documents furnished to Mr. Baker at the time that that claim was made?—I think that the period which I allude to was when Mr. Vigors and Mr. Baker were settling the second 1,000 *l.*, and I did not attend to the details of the account; but when they had concluded, Mr. Baker said, "Now, Mr. Vigors, I will give you a receipt for 1,000 *l.*"

2329. Do you recollect whether the word was receipt or credit?—I think it was receipt; because I pressed Mr. Vigors, the next day, to get a receipt, which he did not get.

2330. You say you received 268 *l.* 10 *s.*?—That is the first sum which I received from Mr. Maher.

2331. For what purpose?—To pay the outstanding claims for the election of June.

2332. Did you also receive a sum of 25 *l.* 12 *s.*?—Yes, a draft by Mr. Vigors upon his banker in Dublin.

2333. Look at these papers and tell me whether they contain a faithful account of the monies paid by you, the total 296 *l.* 2 *s.*, putting down the 2 *l.* received of Mr. Maher, in addition?—I have not the paper here which contains the total.—(*The Account was handed to the Witness, Vide Paper (A.)*)—They do.

[*The Accounts were delivered in and read, as follows:*]

(A.)

ACCOUNT by which Mr. Edward Michael Fitzgerald discharges himself of the Sums received by him of Mr. Vigors and Mr. Maher.

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him of Mr. *Figures and Mr. Maher.*

Dr.		Cr.	
1835: August. Cash received at Carlow of Mr. Maher, the proceeds of 176l. bill - - - -	£. s. d. 268 10 -	1835: August and Sept. Paid election expenses miscellaneous (<i>see</i> Paper No. 3 A.), consisting of expenses for voters, carriage hire, messengers, advertisements, &c. (<i>see</i> vouchers, Paper No. 3 A.) - - - -	£. s. d. 265 15 1
November. By draft of Mr. Vi- gors on Rail & Co., bankers, Dublin, handed by Mr. Maher - - - -	25 12 -	November. Miscellaneous ex- penses (<i>see</i> Paper No. 3, vouched by Paper No. 3 A.) - - - -	24 17 6
1836: 23d February. By cash of Mr. Maher - - - -	2 - -		
	£. 296 2 -		£. 290 12 7
Receipts - - - - -	296 2 -		
Expenditure - - - - -			290 12 7
			£. 5 9 5

Note.—Outstanding disputed bills set forth in Paper No. 7, being for car-hire and expenses of voters, amounting to £—(Mr. Vigors' Papers, No. 7.)

PAPER No. 3 A, referred to as Classed Details of Mr. Fitzgerald's Account.

1835- August and September.		£. s. d.
Printing - - - - -	- - - - -	24 - -
Advertisements - - - - -	- - - - -	29 - -
Newspapers - - - - -	- - - - -	4 13 4
Town of Tullow car-hire - - - - -	£. 17 7 6	
John Maher, Carlow car-hire - - - - -	15 15 -	
Philip Nowlan - ditto - - - - -	12 13 -	
Mrs. Byrne, Carlow car-hire, and expense of county voters - - - - -	21 15 -	
		67 10 6
Paid messengers - - - - -	- - - - -	4 14 4
Mr. Fitzgerald's expenses to Dublin - - - - -	- - - - -	2 2 -
Expenses necessarily incurred in bringing and maintaining county voters while waiting in town to poll - - - - -	- - - - -	133 14 11
		£. 265 15 1

PAPER No. 3 B. A List of Mr. Fitzgerald's Vouchers, referred to in his Account; last Election, 1835.

No. 1.	To cash paid William Price, for printing - - - - -	£. s. d.
2.	James Young - - - - -	1 19 -
3.	Thomas Niel - - - - -	3 9 -
4.	Owen M'Cade - - - - -	3 12 6
5.	Richard Holson - - - - -	1 1 -
6.	Henry Porter - - - - -	- 4 -
7.	Mrs. J. Byrne - - - - -	21 15 6
8.	William Faurie - - - - -	1 15 8
9.	Michael Leech - - - - -	- 18 -
10.	Michael Grennan - - - - -	2 10 -
11.	Brien O'Neil - - - - -	20 - -
12.	Miss Bolger - - - - -	5 7 6
13.	Michael Coleman - - - - -	10 15 6
14.	James Farrell - - - - -	- 10 -
15.	Daniel Moore - - - - -	3 14 -

(continued)

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No.		£.	s.	d.
16.	To cash paid John Cullen - - - - -	20	-	-
17.	— J. Nolan - - - - -	3	10	-
18.	— M. Nolan - - - - -	1	10	-
19.	To advertisements in newspaper - - - - -	29	-	-
20.	To newspaper - - - - -	4	13	4
21.	To cash paid P. Hammond - - - - -	2	-	-
22.	— Mr. M'Donnald - - - - -	6	15	-
23.	— Thomas Moore - - - - -	-	16	-
24.	— Ditto - - - - -	-	18	-
25.	— John Watson - - - - -	-	15	-
26.	— Thomas Murphy - - - - -	4	-	-
27.	— Thomas Byrne - - - - -	6	5	-
28.	— Darby Murphy - - - - -	1	-	-
29.	— Pat Wade - - - - -	-	11	8
30.	— Daniel Grotty - - - - -	2	11	-
31.	— M. Maher, Loughlin - - - - -	-	18	-
32.	— Mrs. Cahill - - - - -	-	10	-
33.	— James Brady - - - - -	15	15	-
34.	— John Maher - - - - -	1	-	-
35.	— James Maher - - - - -	4	-	-
36.	— Michael Penlin - - - - -	-	5	-
37.	— P. Wade - - - - -	1	-	-
38.	— Coughlin - - - - -	3	15	-
39.	— Miss Redmond - - - - -	1	-	-
40.	— Kinsella and McGuff - - - - -	8	1	-
41.	— T. O'Neil - - - - -	17	7	6
42.	— Tullow hills - - - - -	12	13	-
43.	— Philip Nolan - - - - -	-	19	7
44.	— Robert Lander - - - - -	3	-	-
45.	— Farrell and Coffey - - - - -	2	2	-
46.	— Expenses to Dublin - - - - -	-	11	8
47.	— John Bacon - - - - -	1	-	-
48.	— Hinch, Hacketstown - - - - -	-	9	-
49.	— Michael Byrne - - - - -	-	14	4
50.	— Sundries - - - - -	1	5	-
51.	— Walsh, Graigue - - - - -	1	-	-
52.	— Mathew P. Carrigan - - - - -	£.	265	4 9

By cash from Rev. M. Maher, £. 268. 10 s.

Note.—Copies of the vouchers above scheduled will be produced.

PAPER No. 3 c, referred to in Mr. Fitzgerald's General Accounts, as Details of the Item of £. 25. 7 s. 5 d.

	£.	s.	d.
Paid Richard Kehal - - - - -	8	-	-
Ditto Mr. Lennon, Carlow - - - - -	6	2	6
Ditto Peter Flood, Carlow - - - - -	2	2	-
Ditto Pat. Farrell, Carlow - - - - -	1	10	-
Ditto Mrs. M'Assey, Carlow - - - - -	4	11	-
Ditto Rev. James Nolan (by credit, as part of his parish subscription to the registering fund) - - - - -	2	12	-
	£.	24	17 6

Cr.	£.	s.	d.
By draft on Ball's bank - - - - -	25	12	-
Expenditure - - - - -	24	17	6
	£.	-	14 6

2334. Have you made disbursements on account of the election, to the amount there stated, of 290*l.* 12*s.* 7*d.*?—I have.

2335. And those items are faithfully detailed in the papers?—Yes.

2336. Do you know whether there are yet outstanding bills in dispute?—There are, to a considerable amount.

2337. About what sum is the amount of the claim?—I should think nearly 100*l.*

2338. And have you gone over them, to say what you consider fair claims?—Not very minutely.

2339. But 75*l.* is about the amount?—Yes.

2340. When did you receive that 268*l.* from Mr. Maher?—Immediately on Mr. Maher's return from attending on the petition.

2341. In what month?—In the last day of August.

2342. And did you apply it to election expenses?—Yes, it was notified to the parties; and we called upon them, and paid them.

2343. Are those all fair legal expenses incurred in the election?—Yes, all legal expenses.

2344. While the petition was pending, had you any communication with Mr. Raphael upon the subject of sending for witnesses?—I had, after a particular stage of the proceedings.

2345. Do you remember on what day of the month it was that the proceedings arrived at that particular stage?—No, I cannot; but it was after Mr. Raphael had taken upon himself the entire control.

2346. After that time, under whose directions did you act, as to sending for witnesses and keeping them?—Under the directions of Mr. Raphael and Mr. Hamilton; I had Mr. Vigors' positive directions not to send for a witness from Ireland, unless I had the sanction of Mr. Raphael or Mr. Hamilton.

2347. After you had been in England in May 1835, upon the subject of the petition against Mr. Bruen and Mr. Kavanagh, and had seen Mr. Raphael at the bazaar; do you know whether Mr. Vigors, upon his return to Ireland, made any communication to the committee as to any arrangement having been made with Mr. Raphael?—He did.

2348. What was that?—A communication somewhat similar to that which he made to me after the meeting at the bazaar; that a sum of 1,000*l.* should be paid by Mr. Raphael upon nomination, for the expense of the election, and 1,000*l.* to be disposed of by the committee of the county.

2349. That was the communication made by Mr. Vigors to the committee upon his return?—Yes.

2350. *Sir Frederick Pollock.*—On Mr. Vigors reaching Carlow, after the 31st of May, was that communication made by him, that the arrangement had been completed?—Yes, it was; he said that he saw Mr. O'Connell the day before he left London, as well as Mr. Raphael, and all arrangements were complete before he left London; that he remained one or two days to have the arrangements completed.

2351. How was the first 1,000*l.* to be applied?—As far as the expenses of the election required it, and the surplus to be paid to the expenses of the prior election, in opening the seats.

2352. In the committee?—Yes; in fact the committee were to have the control of it.

2353. And the other 1,000*l.* was for the purposes of the county?—Yes, for the protection of the tenantry from the persecution of the landlords.

2354. Ultimately you are aware, that there being a petition, the 1000*l.*, instead of being applied to the purposes of the county, was applied or supposed to be to the expenses of the petition?—Yes, and contrary to the advice of the members of the committee then in London, Mr. Vigors allowed it to be so disposed of.

2355. Did you ever see a copy of a written arrangement entered into with Mr. Raphael?—No.

2356. You recollect some remittances coming from Mr. O'Connell, 500*l.*, a draft at sight, and the 304*l.* bill; how much of that was expended for the purpose of the election?—I cannot exactly say.

2357. About how much?—The accounts detail the gross amount of the expense of the election; I cannot say how it was applied.

2358. Can you form any judgment of what was the expense of the election without the petition?—I should say upwards of 700*l.*; I had nothing to do with

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the payment of the legal expenses of the election; I do not know what they were, the sheriff and other items.

2359. But as far as you can form an opinion, the expenses of the election did not come to more than 700*l*?—I cannot exactly say; I do not know.

2360. Was the estimate that the 800*l* remitted by Mr. O'Connell would cover the expenses of the election?—I cannot say.

2361. Then you cannot give the Committee any information why the sum of 800*l* was remitted more than the sum of 600*l* or the whole 1,000*l*?—No; I cannot.

2362. You came to England five or six days before the ballot for the Committee?—I think so.

2363. The ballot took place on the 28th of July?—Yes.

2364. Were you aware, when you applied to Mr. O'Connell, that he had on that day received the 1,000*l*?—I was not.

2365. What application did Mr. Vigors desire you to make to Mr. O'Connell?—He desired me, if I met Mr. O'Connell at his house, to ask for a sum of 200*l*.

2366. Are you sure that he named a sum of 200*l*?—Yes.

2367. Are you certain?—Yes, that is the impression upon my mind.

2368. Where did you see him?—In the lobby of the House of Commons.

2369. Did he give it you?—He retired into a room of the Members' gallery, and brought me out the cheque.

2370. For 300*l*, you having asked only for 200*l*?—Yes.

2371. You are certain that you asked only for 200*l*, and he gave you 300*l*?—That is the impression upon my mind.

2372. Did you afterwards get the cheque for 250*l*?—Yes.

2373. By whose direction did you apply for that?—By Mr. Vigors.

2374. Did he name any sum upon that occasion?—I cannot recollect, nor whether I asked for a particular sum.

2375. What did you state to Mr. O'Connell?—That Mr. Vigors had desired me to call upon him for some money.

2376. Have you no recollection whether you mentioned a particular sum?—I have not.

2377. Have you no recollection whether Mr. O'Connell asked you what sum was required, and what it was wanted for?—For the purposes of the expenses attending the committee, of course. I do not remember whether Mr. O'Connell asked me what I should want, or if I asked for a particular sum.

2378. What did you do with that sum he gave you?—I brought it back and handed it to Mr. Vigors.

2379. Do you remember the day that you applied for a further sum of money?—I cannot recollect the precise day.

2380. When did you last see the bills?—I have not seen the bills; the 399*l* bill since I handed it to Mr. Vigors, nor the 275*l* bill since Mr. Maber got it from Mr. Baker some days afterwards.

2381. Have you seen any account with the draft of the bill in it?—I do not think that I have.

2382. Then you are not able to state on what day it was?—I cannot exactly state the day when I had the bills from Mr. O'Connell.

2383. Were the bills dated on the day you got them?—Yes, they were drawn in my presence.

2384. Are those the bills?—[*The same being handed to the Witness, being two Bills, dated the 14th of August.*]—I think they are.

2385. Are you able to say that it was on the 14th of August?—I should think so; I have scarcely a doubt upon it, because they were drawn in my presence.

2386. Will you state what directions Mr. Vigors gave to you?—I think it was to call for the balance of the second 1,000*l*.

2387. Was it for the balance of the second 1,000*l*, or for the balance of the whole money?—I considered that the first 1,000*l* was discharged.

2388. By what?—First, by the 300*l*, and by the draft he had paid 100*l* more than the first 1,000*l*; there was 800*l* paid in Ireland, and 300*l* which made 1,100*l*; and whether it was for the balance of the money, or balance of the second 1,000*l*, I cannot say; the balance in Mr. O'Connell's hands was what we wanted.

2389. Were

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2389. Were you furnished with any account of what that balance would be, or whereabouts it was?—None whatever.

2390. Did you learn who it was that wanted this money, or what it was wanted for?—To pay the expenses, I think, of the petition that was then pending.

2391. From whom did you learn that?—From a general knowledge of the state of the case, and I think from Mr. Vigors also.

2392. You applied to Mr. O'Connell; where did you first see him?—In the evening late, about eight or nine o'clock, in the lobby of the House of Commons.

2393. What did he do then?—He requested me to call upon him the next morning at his house in Clarges-street.

2394. Did he name the hour?—I think he said about nine or ten o'clock.

2395. Did you go?—I did.

2396. Did you see him?—I did.

2397. Did you take with you any account of the state of the figures?—Certainly not; I did not exactly know the balance at that time.

2398. You did not know what it was?—No, I did not; I had certainly no account, nor did Mr. Vigors say what the balance was.

2399. Then you did not ask for any particular sum whatever?—No.

2400. What did Mr. O'Connell say to you?—He mentioned to me that his money was in Ireland, and that, if it would be no inconvenience to Mr. Vigors, it would be a great convenience if two bills of short date would answer; I said I thought they would be no inconvenience, and if it was, he said I might bring the bills back and have cash; that his money was in Ireland.

2401. He did not represent that he had transmitted Mr. Raphael's money to Ireland?—No, he did not.

2402. Were you aware that he had received 1,000*l.* from Mr. Raphael on the 27th of July?—I had heard that Mr. Raphael had paid that, but not the date when he paid it.

2403. When did you hear that; before the interview or after?—Before.

2404. You did not suggest to Mr. O'Connell that he had received the money here in cash?—Certainly not.

2405. Who suggested the amounts of the bills?—Mr. O'Connell drew the bills; and when he handed them to me I mentioned that they were overdrawn, 15*l.*

2406. Will you just mention what that calculation was, so as to make out the 15*l.* overdrawn?—He remitted 804*l.* to Ireland, the 300*l.* draft, the 250*l.* draft, and the amount of the two bills, 399*l.* and 275*l.*

2407. The 804*l.*, the 300*l.* and 250*l.* would make 1,354*l.*; is that so?—Yes.

2408. Deduct that from 2,000*l.*, you will see what the balance is?—£. 646.

2409. And you observe that the amount of the two bills 275*l.* and 399*l.*, is 674*l.*?—Mr. O'Connell had included the discount of the bills in the gross amount.

2410. That is 28*l.* too much?—Yes, it is.

2411. You say you went through some little calculation; what was that calculation which made it 15*l.*?—When Mr. O'Connell handed me the bills, I said to him, these bills are overdrawn; Mr. O'Connell took the bills back and calculated the interest, and said it was so much, I do not recollect what he said, and that being so, he said the bills were 15*l.* overdrawn, which Mr. Vigors can hand me back at his leisure, or something to that effect.

2412. Then when Mr. O'Connell handed you the bills, were you then aware of the amount that you ought to have, or did you add the bills together and make some calculation, and tell him that they were overdrawn?—When Mr. O'Connell handed me the bills, I perceived upon the face of them that they were overdrawn.

2413. But you did not know the balance?—No; but I knew that it must be some pounds overdrawn; I knew it was about a certain sum.

2414. What was about the sum?—The difference between 1,354*l.* and 2,000*l.*, less by the discount of the 304*l.* bill.

2415. Did you add up the sums, so as to ascertain that it was the difference between the 1,354*l.* and the 2,000*l.*?—It is probable that I did.

2416. Did you, in point of fact?—I cannot say that I did; but I made some calculation which led me to suppose that the bills were 15*l.* overdrawn; I am positive that that was the sum that I mentioned to Mr. O'Connell.

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2417. Did you mention the sum of 15*l.* to him, or he to you?—I mentioned it to him.
2418. How came you to mention that?—By some calculation, perhaps an erroneous one, that I made of the amount.
2419. Were the two sums of 399*l.* and 275*l.* entirely of Mr. O'Connell's suggesting?—Yes; I did not suggest to him anything.
2420. Were the dates of the bills, one being 61 days after date, and the other 91 days after date, entirely of Mr. O'Connell's suggesting?—They were.
2421. When you got those bills do you intend the Committee to understand that upon that you made any calculation of interest, so as to ascertain the balance due to Mr. O'Connell?—Mr. O'Connell made a calculation of interest which he mentioned to me; my impression is that I did not.
2422. Did he tell you the amount of the interest?—I think he did; I think that is what guided me in stating 15*l.*
2423. Do you know Mr. Ayre, upon whom the bills were drawn?—No, I do not know him personally.
2424. Did you ever see any other bills drawn upon Mr. Ayre?—I think the bill remitted to Carlow, the 304*l.* bill, was drawn upon Mr. Ayre.
2425. Do you know what he is?—He is a gentleman that lives in Eccles-street, in Dublin, or did live there.
2426. Do you know what he is?—No; it is a private house.
2427. Do you know whether Mr. Fitzpatrick lives there?—Yes, I believe he does.
2428. What is he?—I believe a brother-in-law of Mr. Ayre.
2429. And is he a manager of the O'Connell brewery?—I do not know that.
2430. Did you leave Mr. O'Connell when you took those bills away, with an understanding that 15*l.* was exactly the sum too much that he had paid?—I did.
2431. How came you not immediately to return the 15*l.*?—I handed the bills to Mr. Vigors.
2432. Did you tell him that it was 15*l.* too much?—I did.
2433. And how came it not to be returned immediately?—I cannot tell.
2434. How came it to be returned precisely on the 3d of November?—I do not know that it was returned then.
2435. Had you any conversation with Mr. Vigors about returning it?—I think I had no conversation with Mr. Vigors about returning it; but Mr. Vigors told me since I came to London, that he had returned it.
2436. I ask you, were you at all aware that Mr. Vigors had returned the 15*l.* till you came to London upon this inquiry?—No, for I made no inquiry upon the subject.
2437. Were you at Carlow in the month of November?—I was; I reside in Carlow.
2438. Did you know of Mr. Vigors writing a letter to Mr. O'Connell upon the 3d of November?—He told me in November that he did write to him.
2439. Had you, about that time, any conversation with Mr. Vigors about the sum of 15*l.*?—I might, but I do not recollect it.
2440. Had you, or had you not?—I cannot say whether I had or had not.
2441. Is your memory upon that subject a perfect blank?—As far as that is concerned I would not take upon myself to say that I had or had not; for we have had conversations upon so many subjects connected with the case, that it is impossible to say.
2442. About the 3d of November were any accounts made out relating to election expenses?—While Mr. Vigors was in Carlow I settled with Mr. Vigors the accounts that I hold in my hand. I was giving him an account of my disbursements in paying away money.
2443. Have you any knowledge or recollection of anything passing between you and Mr. Vigors upon the subject of the 15*l.* in November last?—Not the least; it is only as far as my own account is concerned that we had any conversation upon the subject.
2444. As far as you recollect, you and Mr. Vigors had no conversation upon the subject?—That is my impression.
2445. How long were you with Mr. O'Connell on that 14th of August when you got those two bills?—Not longer than while he was drawing the bills; for ten or fifteen minutes.

2446. The calculation was made at that time?—Yes, it was in a second almost; it was not a very minute calculation which we made upon that occasion; it could not have been if the sum was more or less than 15 *l*.

2447. Have you read the correspondence which has appeared in print?—I have.

2448. Do you remember this passage in one of Mr. O'Connell's letters, "I not only paid him the 2,000 *l* to the last farthing, but having in my hurry made a mistake against myself, I actually paid him 15 *l* more than I ought; I got 2,000 *l* for him; I gave him in all 2,015 *l*; he discovered the mistake and rectified it." Is the Committee to understand that the mistake was actually discovered, if it was a mistake, at the very time that the bills were handed over?—Those bills were drawn and handed over to me before the mistake was discovered; I discovered the mistake.

2449. Was it discovered at the same time that the bills were handed over to you?—It was.

2450. However, it was you who discovered the mistake?—It was.

2451. You discovered it if it was a mistake?—When he handed me the bills, I said the bills are overdrawn, and we made some calculation, and our calculation was that they were 15 *l* overdrawn.

2452. And when that mistake was rectified you do not know?—No, I do not.

2453. How much of the money passed through your hands?—I received 268 *l* 10 *s* 8 *d* from Mr. Maher in the latter end of August, a draft upon Ball's bank for 25 *l* 12 *s*, and 2 *l* in cash, making 296 *l* 2 *s*.

2454. Was that the whole of the money that came through your hands?—Yes, that I had the control of.

2455. What was the sum of 276 *l* 10 *s* 8 *d*, was that the produce of the bill of 275 *l*?—Yes; Mr. Maher may have paid some small sums out of that, before he handed me the residue of the money.

2456. "By cash from Mr. Maher," I see, "2 *l*," was that part of the produce of the bill?—Mr. Maher thought that he might have 2 *l* surplus in his hands, and he handed me the money.

2457. When did you get that?—I think the day before I left Carlow for London on the present occasion.

2458. That is the 23d of February in this year?—Yes.

2459. Long after this correspondence was published?—Yes.

2460. In fact since this Committee was appointed?—Yes.

2461. Mr. Serjeant Wilde.]—After your return to Ireland, subsequent to the petition, were you in frequent communication with Mr. Vigors?—Very frequent.

2462. Upon the subject of the election, accounts and matters connected with that?—Yes.

2463. Do you recollect whether you had any conversation with him upon the subject of the bills you had received, and your paying those bills exceeding the amount?—Not upon that subject; I do not recollect that I had.

2464. I ask you respecting the correspondence of the committee of Carlow upon the subject of the representation of the county; had you a correspondence with Mr. O'Connell upon that subject?—Yes.

2465. Have you a letter from Mr. O'Connell upon the subject?—I have.

2466. Will you produce it?—[*The Witness produced the same, dated the 4th of January 1835, which was read, as follows:*]

(Confidential.)

My dear Fitzgerald,

Derrynane Abbey.

I wish I could get to Carlow; I am most anxious to be in Carlow. Will you see his Lordship the Bishop, and submit to him my plan. If you cannot get anybody else, I will lodge 500 *l*, or if necessary 1,000 *l*, for my eldest son, Maurice, and set him up for the county. Maurice can and will be elected for Tralee, but he could afterwards elect to sit for Carlow county, and leave Tralee for a second choice. I say this only on the understanding that nobody else can be got. In that case I will make the sacrifice I mention, to prevent a Tory getting in for the county. You will, however, recollect that I do this merely to prevent a Tory from being your member, and for no other purpose; though, to be perfectly candid, I would rather have Maurice represent a county than a borough, but beyond that preference there is nothing else. I am, however, ready to make a personal sacrifice of from 500 *l* to 1,000 *l* for that purpose. I go to Killybeg on Tuesday the 6th, on Wednesday

Mr.
E. M. Fitzgerald.

7 March 1836.

the 7th to Cork; if you have occasion to write to me, direct to me at Cork, care of Thomas Fitzgerald, Esq., merchant, Mallow-lane, Cork. Put on it, "To be forwarded at once." Write also to Waterford, by the same post, to the care of the Rev. John Sheahan, P. P. Waterford. I will myself write to you again from Cork or Youghall, and tell you the exact day on which I will be in Carlow.

Ed. M. Fitzgerald, Esq., Carlow.

Believe me to be your's, very sincerely,
Daniel O'Connell.

[The Witness withdrew.]

Martis, 8^a die Martii, 1836.

MEMBERS PRESENT.

Mr. N. W. R. Colborne.
Lord Francis Egerton.
Mr. Bannerman.
Mr. Bameby.
Sir Ronald Ferguson.
Sir John Yarde Buller.
Sir Frederick Pollock.

Mr. Ord (Newcastle).
Sir Charles Broke Vere.
Mr. Warburton.
Sir Randle Wilmot.
Mr. H. G. Ward.

Mr. Serjeant Wilde.

MR. NICHOLAS W. RIDLEY COLBORNE, IN THE CHAIR.

The Rev. Thomas Tyrrell, called in; and Examined.

The Rev.
Thomas Tyrrell.

8 March 1836.

2467. Mr. Serjeant Wilde.]—YOU are a clergyman of the Roman Catholic persuasion?—Yes.

2468. Were you in England in the year 1834: in the summer or autumn?—I was, in the autumn.

2469. Did you see Mr. Raphael upon that occasion?—I did.

2470. Had you any communication with him upon the subject of his becoming a candidate for the county of Carlow?—Yes.

2471. Did you discuss the expense?—There was a conversation upon the expense.

2472. You dined with him also in Merchant Tailors' Hall?—I did.

2473. In June 1835, did you receive that letter from Mr. Raphael—(a letter being handed to the Witness)?—I did.

2474. At the time that you parted with him in the year 1834, did you part with him under the idea that he would become a candidate at a future time?—Most certainly.

[The Letter, dated June the 15th, 1835, was delivered in, and read, as follows:]

Dear and Rev. Sir,—At the request of your brother, and my friend Mr. Tyrrell, whom I had the pleasure of seeing last night, and conversing on the Carlow Election, I write to inform you that it is absolutely out of my power to absent myself from London at this present time, our June sessions having commenced this very day. But in the event of my being returned one of the representatives of your county, it is my firm intention, with God's blessing, in the course of this month, accompanied by your brother, to pay you a visit, and thank you in person for all your and your friends' exertions in my favour. I have only to add, that the poor of Carlow shall find me a warm friend and a zealous protector against their oppressors. And intending to be a proprietor in your county, it is my intention, from time to time, to spend as much time with you as my Parliamentary duties will permit me. Believe me, dear and reverend Sir,

Your very faithful and obliged servant,
Alec Raphael.

2475. You were in England during the discussion of the petition against Mr. Vigors and Mr. Raphael?—I was.

2476-7. Had you, subsequently to that, a communication with Mr. Raphael upon the subject of his becoming a candidate at a future time?—Yes.

2478. Had you only one conversation with him upon that subject, or two?—I am positive of having one, and I think two.

2479. What was the date of your last conversation?—I had more than one; my last conversation was on Saturday, and I left England on Monday.

2480. Sir F. Pollock.]—You say you were in England during the petition against Mr. Vigors and Mr. Raphael; did you ever make any application to Mr. O'Connell about the funds in his hands?—Never.

2481. Not in any way whatever?—Never.

2482. Perhaps

2482. Perhaps you did not know any thing about the pecuniary matters?—I had nothing to do with the pecuniary matters.

2483. Had you any knowledge about them?—I had a knowledge from hearsay, that Mr. O'Connell paid the money for the petition.

2484. You had no conversation about it?—I had no conversation with that gentleman till yesterday.

2485. Nor with Mr. Vigors?—I had a good deal of conversation with Mr. Vigors.

The Rev.
Thomas Tyrrell.
8 March 1836.

William Harrison, Esq., King's Counsel, called in; and Examined.

2486. Mr. Serjeant *Wilde*.]—YOU were leading counsel in a petition against Mr. Vigors and Mr. Raphael, as representatives of the county of Carlow?—I was; but I must beg leave to state that, having been counsel, I consider that I am not at liberty to answer any question in relation to what took place then, unless I have the leave of my clients, one of whom was Mr. Raphael. If I have leave from him to give evidence, I will proceed. I was summoned by Mr. Vigors, and I know that there is a doubt in the profession whether I am bound to state what had passed between Mr. Vigors and me without Mr. Raphael's consent, he having been my other client; there being that doubt I take that course in delicacy, and refuse to give my evidence unless Mr. Raphael consents.

W. Harrison, Esq.

Mr. Raphael.]—I give my consent.

2487. Mr. Serjeant *Wilde*.]—Do you remember the ballot for the committee upon that petition?—Perfectly.

2488. In your communications with Mr. Vigors afterwards, upon the subject of that petition, were the grounds of the petition and its proposed resistance proposed and talked about?—Yes.

2489. What was the judgment and opinion which you formed and expressed to Mr. Vigors upon the probable result of that petition?—That will place me in rather a singular situation; sometimes as counsel certainly, looking at those who are to be the judges, we form some little opinion, that is with respect to doubtful and difficult points, whether we have a chance of succeeding or not. I do not wish to carry that farther.

2490. The constitution of the committee affects the case as well as the merits of the case?—Certainly, for that case; I did not altogether like the constitution of the court.

2491. How many days had the committee sat before you formed a conclusive judgment as to the probable result of the petition?—I think, with the exception of some casual observations upon the point which was just now asked me and to which I gave an answer, that I gave no decided opinion until the third day; I will not be positive whether it was the third day or the fourth. The third day was the Saturday, the ballot took place on the Tuesday, and on the Wednesday the lists were delivered and the business commenced on the Thursday, and I do not recollect whether I formed a decided opinion on the Saturday, or whether it was with reference to what had taken place on the preceding day, that on the Sunday I made up my mind on what course was to be pursued, and communicated to the parties my opinion on Monday morning; whether I gave my opinion on the Saturday or on the Monday morning, having had time to consider, I do not recollect.

2492. What was the opinion you then gave?—That it was not only advisable for the parties to stop, because they had no chance of succeeding, but that it was most important that they should stop, because mischief would arise from their going on.

2493. Did you express that opinion to the parties?—Certainly.

2494. Was it your opinion that it was very ill-advised to go on?—Yes; one point before the committee was upon the value of the property, the Monaghan and other committees, which had sat before, had had discussions upon matters of that sort; but this committee took a different view from those committees. The Monaghan committee permitted us, in cases where the land was not above 8*l.* or 9*l.* to give evidence of value, and we proved value 10*l.* in addition. This committee required a much higher value to a very considerable extent, almost bringing the right of voting in Ireland to the point which is made specific in the English Act of Parliament, to a 50*l.* tenantry; and this committee

W. Harrison, Esq. mittee certainly considered (I do not mean to say that 50*l.* was the sum), that unless the rent of the property held by the voter was of a description and amount approaching to that, the 10*l.* value could not be considered as valid; that was the result I drew from the determinations to which they came.

8 March 1836.

2495. Were you aware that, acting upon your judgment and the view that the parties themselves took, Mr. Vigors abandoned the resistance to the petition after a certain time?—I considered Mr. Vigors, certainly, as not agreeing to its going on, and I may state my reason for that: there were some votes of his as to which there was an objection, that they wanted a few days of six months' execution of the leases under which they were entitled to vote. On the registration in Ireland, it had been decided that where a tenant continued to hold on on the same rent, and on a promise made by the landlord that he should have a renewal of the lease, that that in some degree gets rid of the requisition that the lease shall be executed six entire months before. These leases wanted a few days of that time, and other evidence could not be applied with reference to a portion of them, and the result of going on was the destruction of those votes. I do not recollect the number, but 50 or 60.

2496. *Sir P. Pollock*.—Did Mr. Raphael attend the consultation?—No, I do not think he did, but he was quite aware of my opinion.

2497. How do you know?—I had the pleasure of meeting him a month ago at the Linnean Society, in which he was introduced, and he came up to me and put me in mind of my opinion, expressed to him, that he had better not go on.

2498. How early did you tell him that?—About the third or fourth day.

2499. Do you recollect seeing him and telling him that?—I have a very faint recollection, in the bustle and business that was going on, but I know that I took as much pains as I could to communicate it, and Mr. Raphael put me in mind that I did do so.

2500. Have you any recollection of your having told him your opinion till you had gone on with it for three days?—I was engaged in the Great Western committee, and my junior had been attending very assiduously to that; and I promised him that when he was obliged to go into the country on the circuit, I would then, if the Great Western committee lingered on to that time, abandon every other case that I had, that I might attend the Great Western, which was in a very perilous situation till its close. That was on the sixth day, and I never attended afterwards, and therefore it must have been before that that I expressed that opinion to Mr. Raphael.

2501. Have you a recollection that you did communicate to him that opinion?—No; I have no specific recollection of the act of doing it?—I communicated to the solicitor and Mr. Vigors, and so on.

2502. Was Mr. Raphael at any consultation?—No, I have no remembrance that he was.

2503. As far as you know, did he interfere, or did he leave it to somebody else?—I had no communication with any body upon the subject, except the solicitor, Mr. Baker; I never knew of any other solicitor; I had no communication with any other solicitor.

Mr. Thomas Baker, called in; and Examined.

Mr. Thomas Baker. 2504. *Mr. Serjeant Walk*.—I BELIEVE you acted as Parliamentary agent in the petition against Mr. Raphael and Mr. Vigors, in the last session?—I did.

2505. By whom were you originally employed in that matter?—If the Committee will allow me, I will state the circumstances, and I will leave them to judge.

2506. Who applied to you first to resist that petition?—Mr. Vigors was the first that communicated with me, but before any matter was done in the defence, Mr. Raphael was the person that was first with me.

2507. You were first applied to by Mr. Vigors?—Mr. Vigors communicated with me, and asked my advice upon certain matters; but as to any matter of defence of the petition, the first person was Mr. Raphael.

2508. Will you give the earliest date of your communication with Mr. Raphael?—The 17th of July, I think it was.

2509. It was some days before the ballot?—Several.

2510. Had

2510. Had you had many communications with Mr. Raphael between the 17th and the ballot?—Several.

2511. You remember the ballot, of course?—Yes.

2512. How soon after the committee sat upon that petition had you formed any opinion as to the probable result of the petition, whether it would be favourable or unfavourable?—I had formed an opinion.

2513. How soon after the committee sat?—About three days, I think.

2514. Was the opinion that you had formed that the resistance would be successful to the petition, or otherwise?—That it is a matter of considerable doubt; looking at the constitution of the committee, I would say, as well as from the difficulties of proof, the committee had decided upon one point, and the decision upon that point rendered the success of the defence of the sitting members' case a matter of considerable doubt.

2515. Do you remember at any time Mr. Vigors declining further to prosecute the opposition?—When we went into the scrutiny, immediately after the first vote was decided by the committee, I had a communication with Mr. Vigors, and I impressed upon him the necessity of coming to some specific and decided understanding with Mr. Raphael, who did not attend our consultations though always invited; and as I knew that Mr. Vigors could not afford a very long and expensive defence of this matter, and as I understood that Mr. Raphael was the gentleman who was to defray the expenses, I thought it advisable that Mr. Raphael should be at once informed of the situation in which the case then stood.

2516. Had you consultations with Mr. Harrison upon the subject of that petition?—Yes.

2517. Did you learn about the third or fourth day or thereabout, that in his opinion the case was hopeless as to his subsequent success?—Not hopeless, certainly not in my judgment.

2518. But in his?—Nor in his as I could collect it, it was a matter of considerable doubt; subsequently it turned out to be hopeless.

2519. When the registry was open and one or two votes had been disposed of, what was the opinion then entertained by your counsel as to the probable result of the petition?—That it was a matter of considerable doubt whether the defence of the sitting members would be successful; there was nothing very definite; if an opinion was to be inferred at all, it was that the defence would not be successful; there was nothing very definite upon the subject.

2520. You have said that you recommended some understanding to be come to with Mr. Raphael, do you remember when any arrangement was made in regard to the future prosecution of the petition?—When the committee were ballotted for, and sat upon the petition, Mr. Raphael did not himself come into the committee-room.

2521. Will you attend to the question: the question is whether you remember at any time an arrangement being come to with regard to the future resistance of the petition, as to Mr. Vigors retiring, or as to Mr. Raphael's carrying it on?—No, not with reference to that; I was going to relate the circumstances.

2522. I do not want the previous history?—It is necessary.

2523. After the third or fourth day, did Mr. Vigors or not retire from the resistance to the petition?—No, not further than he had before.

2524. Did you ever learn of any arrangement having been made between Mr. Vigors and Mr. Raphael, that after a certain time Mr. Raphael should have credit for 1,000*l.* towards the expenses of the petition, and that he should prosecute it in future at his own expense?—Not in that way.

2525. Will you state what arrangement you were aware of?—I will. When the committee decided upon going into the scrutiny, and struck off the first vote upon the question of value, I pointed out to Mr. Vigors that the defence, if persevered in, would be very long and very expensive, and that it would be necessary, having understood that there were but 1,000*l.* devoted to the expense of the petition, that Mr. Raphael should be made aware of the circumstances immediately, and of the prospect of success, or rather the absence of it. Mr. Vigors informed me that he had communicated my views to Mr. Raphael, and I am aware that he did communicate them, from this circumstance, that Mr. Raphael called to me one day after leaving the committee-room. I found him

Mr. Thomas Baker.

8 March 1896.

him in his carriage in the street, and he requested me to step into the carriage, and then he said, "I want you to go with me to my solicitor's, Mr. Hamilton; I have had a communication with Mr. Vigors, and I wish something to be done in the matter, and I wish that to be done with the knowledge and approbation of my private solicitor, Mr. Hamilton." I went with him in the carriage to Mr. Hamilton, and saw Mr. Hamilton; and then, if it is required, I will state what took place.

2526. If you please?—I apprized Mr. Hamilton of all the circumstances that had taken place.

2527. Will you state the substance of what you communicated?—I told Mr. Hamilton of the decision to which the committee had come, and the views then entertained by our counsel. Mr. Raphael said that he was not at all aware when he had embarked in this that these difficulties would arise, and there was a complaint on his part that he was led into expense which he had not contemplated. I replied I had nothing to say to that at all; that I was not aware of any arrangement that he had made with other persons, but that I had taken this matter up in the usual and ordinary way, looking to him as my client upon this occasion, and that there was no doubt that if he had paid 1,000 £, as I understood he had, which was to be applied to the expenses of this defence, that he would get credit for it; but that 1,000 £ was more at that day than expended, or at all events expended, and that it was necessary for him to come to a decision whether he should or should not go on with the case. Mr. Hamilton remarked that I had nothing to say to any previous arrangement; that of course I should be paid my expenses, and it was for Mr. Raphael to determine how he should best get out of it. I left them, as I thought it would be better for them to consult with themselves, Mr. Hamilton being fully aware that it was in the power of the sitting members to give up at any moment, by giving me instructions. It was understood that I was to receive that evening a communication from Mr. Raphael and Mr. Hamilton, directing me either to proceed or discontinue in the defence. I had not up to nine o'clock received any letter from Mr. Hamilton, and I find that I wrote him a letter, of which I have a copy here, dated the 5th of August.

2528. That is from yourself to Mr. Hamilton?—Yes, on this evening, after the interview, Wednesday evening, the 5th of August.—[*The Witness read the letter, as follows:*]

Dear Sir,

29, Spring Gardens.

I have not heard from Mr. Raphael. If I do not hear to the contrary, I presume I am to continue the case as heretofore, and will bring down counsel and appear before the committee in the morning. If Mr. Raphael does not go on, it will be easy for me to give in at any time.

I am, dear Sir,

Yours very truly,

Thomas Baker.

That night very late, or rather between one and two o'clock in the morning, Mr. Raphael called in his carriage, and left a letter from Mr. Hamilton for me, which I have got, and I will read it to the Committee. "Carlow Petition. Dear Sir, have the goodness —"

2529. When is that dated?—Wednesday, the 5th of August, six o'clock; Mr. Raphael did not arrive at my house with it till about one o'clock in the next morning.—[*The Witness read the same, as follows:*]

Dear Sir.—Have the goodness to see that every thing is done that is necessary for tomorrow, when I will take an opportunity of having some further conversation with you.

Yours very obedient,

T. Hamilton.

I accordingly went on, and upon the following day, Thursday, which was the sixth of August, Mr. Hamilton appeared, more to watch the proceedings and the conduct of the case for Mr. Raphael, to see that we did our duty, and that Mr. Raphael was taken care of.

2530. From that time did you take your instructions from Mr. Hamilton or Mr. Raphael?—From both; every day we had consultations after the committee adjourned and before the committee adjourned.

2531. Were they aware of the proceedings going on as well from attending as from your communications?—Certainly; this letter is the 5th; upon the

the 6th of August wishing that there should be no squabble upon the expense, as Mr. Raphael had then understood fully the terms, I wrote to Mr. Raphael requesting an advance of 300*l*. I got no answer, and upon the 8th of August I wrote to Mr. Hamilton requesting 500*l* advance for the continuing expenses, and upon the 8th of August I received an answer.

Mr. Thomas Baker.

8 March 1836.

2532. Have you copies of the letters which you wrote to Mr. Raphael and Mr. Hamilton?—No, I have not, of my note to Mr. Raphael.

2533. Will you state the substance?—It was a letter requesting that he would send me 300*l*. to defray the expenses. I have the letter which I wrote to Mr. Hamilton upon the 8th of August, which is this:—"Dear Sir,—I wrote on Thursday to Mr. Raphael for 300*l*., but though he promised it, he has not made the advance; I have written to him again this morning, and as I do not choose to involve myself in any of the squabbles that may arise between him and others respecting pecuniary matters attending this petition, I must beg of you to see Mr. Raphael this morning, and get me the advance." I am not quite positive whether this is an exact copy of the letter I wrote to Mr. Hamilton, but something tantamount to it. This was certainly written on the 8th of August. Upon the 8th of August I received from Mr. Hamilton this letter in answer to the one which I had written to him, and of which I believe the foregoing to be a copy, and it is this:—"Dear Sir,—Inclosed you have a draft for 500*l*. Do not fail letting me have, on Monday morning, the best estimate you can form of all the expenses to the present time, and of the probable average expense per diem for the future. Yours faithfully, T. Hamilton. 8th August." We had talked before about the expenses, and Mr. Hamilton particularly desired an estimate; in compliance with this direction of Mr. Hamilton, on the 10th of August I sent him an estimate of the expenses, up to the 10th of August inclusive, that had been incurred, and of those that would probably arise if the case continued any further period; and I put the expenses up to Monday the 10th of August inclusive, fees to counsel that I had paid, the probable amount of the House fees, and the probable amount of Parliamentary expenses; and that up to the 10th of August amounted to 1,228*l*. 7*s*. 6*d*.

2534. Is that 1,228*l*. the amount of the expenses from the commencement of the defence?—That is the Parliamentary expenses; the expense of witnesses was not included.

2535. From the commencement?—Yes; then I put the expenses per diem, from the 10th to the conclusion, will average about 70*l*. per diem; say to the 25th inclusive, when the Session is expected to close, 950*l*.; and I will explain why; it was because I found that Mr. Raphael was extremely anxious all through, the moment that I had any communication with him, that the matter should be delayed as much as possible, and seemed not to care himself about the expense, provided it was delayed, and worked out till the Session was got over.

2536. And therefore you not only estimated the expense but the time during which the Parliament might sit?—Yes, and I put down, that to the 25th of August, 70*l*. a day, 950*l*.; all Parliamentary expenses, 2,178*l*. 7*s*. 6*d*.; witnesses' expenses in Ireland of valuers, not exceeding 100*l*.; expenses of 18 witnesses from Ireland to London, 144*l*.; expenses in London from the 25th of July to the 10th of August inclusive, 15 days, at 15*s*. per diem, 193*l*. 10*s*.; to Mr. Robinson, the assistant-barrister, who served in London, at five guineas a day, 78*l*. 15*s*.; that made 415*l*. 15*s*.; and with the same sum down to the 25th of August, made the expense of witnesses 831*l*. 10*s*. I say then allow for extra witnesses and contingencies 500*l*., which makes 1,431*l*. 10*s*.; then I put a summary, "Parliamentary expenses to the 25th inclusive, 2,178*l*. 7*s*. 6*d*., and witnesses 1,431*l*. 10*s*.; making a sum total of 3,609*l*. 17*s*. 6*d*."

[The Account was delivered in and read, as follows:]

Mr. Thomas Baker.

CARLOW PETITION.

8 March 1836.

Expenses up to Monday, 10th August 1835, inclusive.

	£.	s.	d.
Fees to Mr. Harrison to the 7th, inclusive, when he discontinued attending	17s	2	6
To Mr. Hill to the 10th inclusive - - - - -	15s	3	-
(Deducting the Ballot on 28th, Committee on 29th, and Consultation on 29th, when he was on circuit.)			
To Mr. Howley (deducting Committee, Friday and Saturday) - - -	15s	2	-
House Fees - - - - -	25s	-	-
All other Expenses, getting up the Case, Parliamentary Charges and Solicitor to the 10th inclusive - - - - -	50s	-	-
	£.	1,228	7 6
Expenses per diem from the 10th to the conclusion will average about 70d. per diem, say to the 25th inclusive, when the Session is expected to close - - - - -	95s	-	-
All Parliamentary Expenses - - - - -	£.	2,178	7 6

WITNESSES.

Expenses in Ireland of Valuers, &c., not exceeding - - - - -	100	-	-
Expenses of 18 Witnesses from Ireland to London, at 8d. - £. 14s - - -	14s	-	-
Expenses in London from the 26th July to the 10th August inclusive, 15 days, at 15s. per day - - - - -	193	10	-
To Mr. Robinson, Assistant Barrister, served in London at Five Guineas a day - - - - -	78	15	-
	415	15	-
The same amount to the 25th, inclusive - - - - -	415	15	-
	£. 831	10	-
Allow for Extra Witnesses and Contingencies - - - - -	50s	-	-
	£.	1,431	10 -
SUMMARY.			
Parliamentary Expenses to the 25th inclusive - - - - -	2,178	7 6	
Witnesses - - - - -	1,431	10 -	
	£.	3,609	17 6

2537. That you gave him as the estimate of the total expense, up to the 25th August?—Yes.

2538. And that was furnished to Mr. Hamilton upon Monday the 10th of August?—Yes, Mr. Hamilton, Mr. Raphael and Mr. Vigors, after the committee adjourned upon Monday the 10th August, went into an adjoining room, where this estimate was submitted by Mr. Hamilton or Mr. Raphael to Mr. Vigors, and there never was, to my knowledge, a complaint of its being large, certainly not to me, and none that was brought to my knowledge; but a complaint was made by Mr. Vigors to me, how it was that that estimate which I delivered was so much larger than the expenses that he had paid in previous petitions; and I said, I thought it much better in making out an estimate for Mr. Raphael, not to make it under the amount. I was anxious to show him that there was a probability of his incurring that expense.

2539. How long did you go on after that day, the 10th, when that estimate was delivered?—Nine days, except the Sundays.

2540. Had you any communication with Mr. Raphael, or Mr. Hamilton, upon the subject of the change of counsel retaining other counsel?—Yes, at a very early period, Mr. Raphael was particularly displeased at what he conceived to be the want of attendance of his counsel, Mr. Harrison, and I received the most positive and direct instructions from Mr. Raphael and from Mr. Hamilton, that Mr. Harrison should be discontinued. I confess, that it was in consequence of that, that Mr. Harrison was discontinued; but I had a delicacy in dealing with a man of his rank in the profession, and I did it in such a manner, that he does not know up to this moment, that that decision took place by the express orders of Mr. Raphael. I said it was a very unpleasant business dealing with Mr. Raphael, for he seemed to be so dissatisfied with almost every thing, and with the want of attendance; and Mr. Harrison said, "I wish you would excuse me," and I seized gladly the opportunity, and said "yes," but Mr. Harrison, I believe, to this

this day is not aware that Mr. Raphael was most positive in his directions to discontinue him. Mr. Thomas Baker.

2541. And did you then, by the instructions of Mr. Hamilton or Mr. Raphael, seek other counsel?—Yes, but not in the actual place of Mr. Harrison. Mr. Hill was one of the counsel employed, and Mr. Raphael, after some time, got dissatisfied with Mr. Hill, and, I believe, Mr. Hamilton did participate in that, and I received positive orders that Mr. Hill should be discontinued; and, as I had not the same feeling towards Mr. Hill, not having the honour of being so intimate with him, and as, of course, I obeyed very implicitly the order that I had received, he was discontinued. When Mr. Raphael declined to select the counsel himself, we applied to Mr. Phillips, and he would not have it; and we went to Mr. Thesiger, and he would not have any thing to say to us; and we went to Mr. Serjeant Merewether, he was going out of town; and, finally, we went to Mr. Pollock; Mr. Raphael went with me, and we retained him.

8 March 1836.

2542. You mentioned just now, some arrangement by which there was a thousand pounds to be devoted to the costs of the petition?—As I understood from Mr. Vigors; Mr. Vigors told me, we have got a thousand to the expenses of the petition.

2543. Had you received to the amount of that thousand, and in what form, and when, from Mr. Vigors: look at the cheque first, for 300*l*?—I received a cheque, Mr. O'Connell's draft upon Wright, for 300*l* from Mr. Vigors.

2544. Did you also receive a bill for 300*l*?—There were two bills handed to me.

2545. One 275*l* signed by Mr. O'Connell upon Mr. Ayre, and the other 300*l* by Mr. O'Connell upon Mr. Ayre?—Yes.

2546. Can you tell the dates at which you received those sums, the first 300*l*?—On the day dated, I apprehend, I got it the next day.

2547. Were both bills handed to you at the same time?—Yes.

2548. Can you give the date?—I think it was the 15th or 16th of August, or very probably the 14th; I have no memorandums.

2549. In a paper which you read just now, you mentioned 17 or 18 witnesses, had that number of witnesses been brought from Ireland?—Yes, they were a certain class of valuers.

2550. Did you learn, or had you any instructions or communication from Mr. Vigors as to the terms upon which those witnesses had been brought, whether any arrangements had been made with them limiting their expenses?—Not at the time when they were brought; but when Mr. Raphael determined to go on, and to fight as long as the session would last, which was his intention up to the last day. Mr. Raphael, and I believe Mr. Hamilton also, thought that some arrangement should be made with the witnesses, that the expenses should be curtailed as much as possible; and that the witnesses should not be allowed to claim that which the officers would award them, but that a specific sum should be given; and the witnesses, who felt extremely anxious upon the case, said that they did not want to make money of it, and they would be perfectly satisfied; and Mr. Vigors having calculated that about 30*l* would bring them here and back, and pay their expenses, it was agreed that they should receive about 30*l* a piece, and not claim any further sum.

2551. That arrangement was approved, was it?—Yes.

2552. When you settled with those witnesses ultimately, did you pay them after that rate?—Yes, they all got 30*l*.

2553. In what way did you settle the account, had any money been advanced to them on account before you settled the ultimate balance?—There had.

2554. To what amount had advances been made to the witnesses?—I should say something about 300*l*.

2555. By whom had those advances been made?—I understood by Mr. Maher, and by some persons in the county. Mr. Vigors, I think it was, mentioned it on the 15th, or perhaps at the date of those bills.

2556. Will you state in what way that 1000*l*. was arranged to be credited to Mr. Raphael, and when?—Mr. Vigors brought me those bills, he was accompanied by Mr. Maher and Mr. Fitzgerald, and finally they did settle the account of the 1,000*l*.; the first thing that he did was to settle the account between himself and Mr. O'Connell upon the 1,000*l*., money having been paid to Mr. O'Connell, as I understood, and he handed me over those bills, and said,

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"You are to deduct the discount;" Mr. O'Connell particularly directs it, and on telling over the amount which Mr. O'Connell had received from Mr. Raphael, and the amount which he had paid to Mr. Vigors, it appeared that there was 15*l.* above the amount of the 1,000*l.*, that Mr. Vigors was to return to Mr. O'Connell. Then having settled that account, I ascertained what each man had received in Ireland, and gave him the balance between what he had received and 30*l.*, and then, having collected the amounts that had been paid, and finding them to come to something about 300*l.* paid by Mr. Maher, I said to Mr. Maher, I think, "Will you take this bill?" and he said "Yes;" the rest was money.

2557. Have you got the figures put down as to the arrangement and settlement of the 1,000*l.*; I want you to explain in what form you received the 1,000*l.* which you were to credit, and upon what occasion you returned that bill?—The day that it was brought I returned it. No, I did not return it till several days afterwards.

2558. Had you not an account handed to you of 306*l.* advanced to witnesses on account of the 30*l.* they were each to receive?—Mr. Vigors showed me an account, which I believe to be accurate and correct, of the payment of the witnesses.

2559. Was the amount 306*l.*?—I believe it was, but I ascertained that I was to receive 1,000*l.*, and that the witnesses I was charged with were entitled to be paid, and I obtained the receipt of all those witnesses for 30*l.*, which I meant to hand to Mr. Raphael or his solicitor.

2560. Did the witnesses give you credit for 306*l.* off of the amount they had to receive?—Yes.

2561. Did you say that 306*l.* you understood had been advanced by Mr. Maher?—I did.

2562. Did you allow that 306*l.* as so much paid out of the 1,000*l.* that you had received?—Yes; if I had got the cash I should have handed it to the witnesses.

2563. You would have had either to pay the witnesses or to pay those that had paid them before?—Yes.

2564. There was then 300*l.* and the 399*l.* bill?—Three hundred and ninety-four pounds, for I charged the discount.

2565. And 306*l.* paid to witnesses?—Yes.

2566. And then you say that further payments had to be made, in respect of which you handed over this bill of 275*l.*?—Yes, I handed over the bill in payment of the 306*l.* that was given to the witnesses.

2567. And you then gave credit first for the two bills and the 300*l.* cheque?—Yes.

2568. And you gave that 275*l.* bill as a mode of payment?—Yes.

2569. At the time those two bills were handed to you, was any objection made to the receipt of those bills, or was cash required?—No, I should have taken the bills.

2570. Did Mr. Vigors say anything to you when he offered you those bills?—He said I have got these bills for the 1,000*l.* which I am to pay you for the expenses of the petition; here are two bills which I suppose you will consider to be good; I may endorse them over to you and you will have no difficulty in getting them cashed; and I said very well.

2571. And so the transaction was adjusted?—Yes, between Mr. Vigors and me.

2572. And you were prepared to give Mr. Raphael credit for the 1,000*l.* on account of election expenses?—Yes; I apprized him long since of that, before I paid the witnesses; I sent a summary of all the charges to Mr. Hamilton, requesting that he would inform me what objection there was to any of those expenses, as I would not have paid any of them unless he had consented; before I paid any of the witnesses I sent an entire statement of their claims to Mr. Hamilton.

2573. Had you any communication with Mr. O'Connell upon the subject of your employment in that petition?—Never; I remark here that in his letter Mr. Raphael says, "the agent employed by Mr. O'Connell." It appears to me the most extraordinary thing in the world how that could have been written by Mr. Raphael, or have been sanctioned by Mr. Hamilton, because those two gentlemen knew as well as I that I was not employed by Mr. O'Connell; they had

had the earliest intelligence of it from me. I find in a letter, signed by Mr. O'Connell, a reference to myself, "Send to Mr. Baker the particulars he wants of your qualification," and there is then a note, "The agent employed by Mr. O'Connell." Now, Mr. Raphael's qualification having been questioned in the petition, the Committee are aware that the particulars of qualification must be delivered within 14 days after the petition is presented, and I wrote therefore several letters to Mr. Vigors, pointing out the necessity of Mr. Raphael delivering in the particulars of his qualification, and I am satisfied that it was in consequence of the letter which I sent to Mr. Vigors, when Mr. Vigors communicated to Mr. Raphael the letter that he had received from me requesting him to come to me, that the particulars of his qualification were required; that he did call upon me, not in consequence of Mr. O'Connell directing him to do so, but in consequence of letters that I had written to Mr. Vigors which were put into Mr. Raphael's hands. I had but two communications with Mr. O'Connell, I think, during the election petition, and they were as follows: It was communicated to me by Mr. Vigors, late one evening, that Mr. Raphael was particularly anxious that the hearing of the petition should be postponed, and that any means should be adopted in order to effect the postponement. I said, "I know of no way in which it can be done but by petition presented to the House." Mr. Vigors subsequently called upon me and said that it was the opinion of Mr. Raphael, his anxiety upon the subject being to him, Mr. Vigors, perfectly unaccountable, that the petition should be presented, and if I brought it down to Mr. O'Connell he would present it. I went to the House with a petition applying for a postponement, and that was one of the occasions when I saw Mr. O'Connell. I handed the petition to him and nothing further occurred. The following day Mr. Raphael brought Mr. O'Connell into the Lobby to complain that Mr. O'Connell had not made the motion for the adjournment of the petition, and Mr. O'Connell said it could not be done; that on conferring with Mr. Stewart, or the Speaker, or some person or other, it could not be done; those were the only two occasions when I ever spoke to or saw Mr. O'Connell upon the petition.

2574. Some matter had occurred between you and Mr. O'Connell which had occasioned a difference?—I never had the honour of a personal intercourse with Mr. O'Connell.

2575. Did you write a letter at any time with a view of its being shown to Mr. Raphael, giving an account of the proceedings and prospects in the committee?—Yes, we had a consultation at Mr. Harrison's chambers the evening of the day on which the committee sat, and decided on going into a scrutiny of the votes. Mr. Raphael was to have attended that consultation, but he did not come; he did not communicate any reason why he did not come; and returning from the consultation with Mr. Vigors,—in fact we had a conversation with Mr. Harrison upon the singular conduct of Mr. Raphael,—it was deemed advisable that a letter should be written to Mr. Raphael, informing him that the proceeding would be long and expensive. I went home, wrote a letter, directed to the sitting Members, Mr. Raphael and Mr. Vigors; came down to the House of Commons; saw Mr. Raphael in the Lobby of the House; put into his hands this letter, and he immediately went with it into the House. That letter was communicating to him that the defence would be very long.

2575*. Have you a copy of it?—I have not.

2576. What was the substance of it?—That in consequence of the committee having decided upon going to a scrutiny of the questions of value, it would be very long and very expensive, that I did not think that the defence of the sitting Members could be carried on under 4,000*l*. I think I put that in the letter; I am satisfied that it was, and that it was necessary for them to consider and maturely weigh whether, under the circumstances, they would incur that expense, or that expense should be incurred. Although Mr. Raphael did not attend a consultation until after the 5th of August, and was not in the committee-room, he had persons always there; he had some of his immediate attendants there, and he was in hourly communication with me, and always chatted with me upon what had been each day's work in the committee.

2577. And from the time of Mr. Hamilton's attendance, did you communicate with him as to what was passing in the committee?—Certainly.

2578. Was there any thing in your knowledge that passed that Mr. Hamilton was not apprized of?—Certainly not; Mr. Hamilton had Mr. Harrison's papers
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from the 10th of August; he wrote to me to desire me to send him Mr. Harrison's papers when he was discontinued.

2579. Mr. Harrison's briefs and minutes of evidence, and so on?—Yes.

2580. *Sir F. Pollock.*—Had you any thing to do with the petitions of May in that year?—Yes, I was agent for the petitioners.

2581. By whom were you employed upon that occasion?—Mr. Vigers, I think; I am indebted for the employment to Mr. Wallace, who is a member of the Irish Bar; but Mr. Vigers was the person to whom I looked for payment, and from whom I received money.

2582. Did all the money you received on that occasion come from Mr. Vigers?—It was handed to me by him.

2583. From whatever source it came at first, it was handed to you by Mr. Vigers?—Yes; I received no money upon that occasion but from Mr. Vigers; I believe he received a great portion of it by subscriptions from the county.

2584. Who employed you in the last Carlow petition?—I must state the circumstances, and leave it to the Committee to judge who employed me; I believe I shall be able to show, if the matter should be questioned in a court of justice, that Mr. Raphael employed me; I have no doubt of it: Mr. Raphael came to me upon the 17th of July, and gave me instructions for the preparation of the particulars of his qualification then signed by him. It was the duty of the agent to take that part; it was with reference to the defence of this petition; he was the first person to whom I communicated, and for whom I did any thing upon the petition.

2585. Was the first interview you had with Mr. Raphael as employing you the occasion when he handed to you the particulars of his qualification?—He drew them there; that was the first time of my seeing him.

2586. That was on the 17th of July?—Yes.

2587. Is it from that that you infer he employed you?—I follow that up.

2588. What else is there?—I take it that when an agent acts for a sitting Member, or as an attorney in a cause, that he is employed in that cause as attorney. Mr. Raphael, upon the 5th of August, bringing me to Mr. Hamilton, and telling me to go on with the case, I hold to be a sufficient retainer; so far as that I think the acting for Mr. Raphael was a retainer.

2589. Between the 17th of July and the 6th of August, did any thing pass between you and Mr. Raphael to induce you to think that he was employing you?—Frequent consultations and conversations took place between us.

Mr. Serjeant Wilde.—I do not know whether this raises any point of law as to Mr. Raphael's liability.

Mr. Hamilton.—I conceive after the meeting in my office that we adopted Mr. Baker. I consider Mr. Raphael, as his professional adviser, bound to pay the whole bill.

2590. *Sir F. Pollock.*—You have referred to a letter from Mr. O'Connell, dated the 17th of July, do you observe that it runs thus: "My dear Sir,—Send to Mr. Baker the particulars he wants of your qualification. I will stand between you and him for all expenses." Did Mr. Raphael when he came to you mention any thing of Mr. O'Connell, his name, or that he came in consequence of that letter?—He did mention his name, but he never told me this, and never showed me this letter, it came upon me quite by surprise; I never read it, and I never had directly or indirectly the slightest communication with Mr. O'Connell, beyond what I have mentioned.

2591. You have expressed your surprise that it should be mentioned by Mr. Raphael, that you were employed by Mr. O'Connell?—I have.

2592. Do you mean to say that you are now surprised, when you find that Mr. Raphael on the day on which he came to you with the particulars of his qualification, received from Mr. O'Connell a letter telling him to send to you the particulars you wanted of his qualification, and that Mr. O'Connell would stand between you and him for all expenses?—I am, and for this reason, that on the 5th of August when Mr. O'Connell's name was again mentioned, I said I was surprised if Mr. O'Connell had any thing to say to the case that I should be employed in it, because I considered that he was the last person who would allow me to have any thing to do with a case in which he had an interest, and I further said that under the circumstances in which I then was, that if

I knew

I knew that Mr. O'Connell had any thing to say to the case, I certainly would not have any thing to do with the petition. This letter of Mr. Raphael's did not appear till the 30th of October, and no act of Mr. Raphael should induce him to say under his hand, I discredit your testimony; for on the 5th of August I said that I had nothing to say to Mr. O'Connell, and if I had known that he had any thing to say to this case I would not have been concerned in it; there were circumstances at that time that made me not like to be concerned in a case with Mr. O'Connell.

2593. Was that letter of Mr. O'Connell, of the 17th of July, shown to you in August?—Never.

2593^b. You never saw that till it appeared in the public prints?—No, I never saw any of them, nor was I aware of them.

2594. This is the letter of which you said that you were surprised that Mr. Raphael should speak of Mr. O'Connell as employing you?—It is.

2595. After reading that letter of Mr. O'Connell, are you surprised that Mr. Raphael should think that Mr. O'Connell did employ you?—Yes, I am satisfied that at that time when Mr. Raphael wrote this letter of the 30th of October, he was as well aware as I am now, that I was not employed by Mr. O'Connell.

2596. Read that letter?—I have read the whole of it.

2597. "Do then at once pay the other 1,000*l*. into Messrs. Wrights to my credit; confer with Mr. Baker as to the defence as much as he chooses, I am bound to indemnify you from all expenses beyond that thousand pounds, that is the second sum?"—If the question was put to me with respect to the letter of the 17th of July, Mr. Raphael, I confess, might have had some doubt upon it, but I refer to a letter of the 30th October, written with the approbation and knowledge of Mr. Hamilton, and those two gentlemen were apprized months before by me that I had nothing to say to Mr. O'Connell, and that I would not have any thing to say to the case if I knew that he had any thing to do with it.

2598. Do you know on what day it was during the sitting of the committee which was ballotted for on the 27th of July that Mr. Vigers' tenants were under consideration?—Not till late.

2599. Do you remember whether it was the last day but one or the last day but two, or the last day absolutely?—It was brought under the consideration of the committee the last day but two I think.

2600. Until that case was determined adversely to Mr. Vigers' tenants, was there a prospect of succeeding?—There was in my judgment, and even with the chances of those tenants going against us, there was a prospect of success in my judgment.

2601. Even with that?—Even with that; but at the same time no hopes were held out to Mr. Raphael, I think on the contrary.

2602. Was any representation made to Mr. Raphael that though he might have bad votes polled for him, there were other bad votes on the other side?—There was such a representation made, it was a representation made by me in the letter of the 31st of July, the letter that I addressed to the two sitting Members apprizing them of their situation, and that was my feeling and continues now to be, that there was a prospect of success ultimately; that there were bad votes no doubt for the sitting Members, and that the same decision would apply to a similar description of votes for the petitioners.

2603. Had any votes been struck off from the petitioners' list of voters?—No, because the committee would not allow us to go into the case of the petitioners till the petitioners had placed themselves in a majority on the poll.

2604. Then when Mr. Vigers' tenants were considered to be bad voters by the committee, that reduced the sitting Members to a minority of about 40 or 50?—Yes.

2605. Is your opinion now that if you had continued that contest you might have reduced that majority of 46, and turned it the other way, from the bad votes that there were upon the petitioners' list?—I was led to form an opinion of the case favourable to the sitting Members, from being told that objections were taken at the registry, and that I would be in a situation to prove those objections; and I was led to form that opinion from the communications I had with the registering barrister, who informed me that there were objections made before him at the registration, and he further informed me, that he had papers

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in his possession, in his house at Dublin, and that if he had those papers with him he said he would be able to show the particular votes that were objected to at the registry. I waited under the expectation that this list would be forthcoming, and if I had got this list, and had been able to show that objections were taken to votes at the registry, I think that I would have been in a situation to show that there were as many bad votes for the petitioners as were struck off from the Sitting Members.

2606. Did you not think that in that event Mr. Vigors and Mr. Raphael would have continued to be the Sitting Members?—Yes, but it was a very desperate case.

2607. Was not the petition ultimately yielded to, and resistance to it withdrawn, because it appeared that you were unable to give evidence of objections having been taken before the registering barrister to those votes that you objected to on the poll of the other side?—In consequence of the decision of the Committee, which was quite unexpected.

2608. What was that decision?—The decision of the committee was this, we had no documents to show that there was an objection taken at the registry. I was led to believe by the registering barrister, and by the agents who were employed for the liberal party in the county, that I would have documents to show that objections were taken; when I found that I had not those papers to show, I endeavoured to see how far I could supply that evidence, and I sought to supply it by witnesses who would point out that particular persons were in their hearing objected to. The committee however held, that that evidence was not sufficient, and they further held, that no objection was to be considered as valid where we did not call evidence to impeach the title, though that evidence was not required from the petitioners. The reason why it was not required from them, as I understood, was this, that the petitioners showed that the county was in some state of turbulence, and that they could not call witnesses, but that the same reason did not apply to us; thus the petitioners' objection was held to be good where no evidence was to be called; but the Sitting Members' objection was not held to be good, because there was no evidence.

2609. When did the committee decide that point?—The day before the termination; two days before that, I did all I could with Mr. Raphael to induce him to give up, to save other votes; and though I had Mr. Vigors's consent and that of the party in the county, Mr. Raphael would not consent, and I was coerced by him, and obliged to go on.

2610. Did Mr. Raphael attend the consultations after a certain time?—He did; I do not think that he commenced immediately, but Mr. Hamilton attended almost every consultation; in fact every from the sixth.

2611. From the time of his coming in?—Yes.

2612. How many consultations did Mr. Hamilton attend; will you undertake to say that he attended more than one?—It was his own fault if he did not; I cannot bring my mind to it.

2613. He might have attended them all?—He might.

2614. Will you undertake to say that he attended more than two?—Yes, I think I may; I cannot be positive.

2615. Do you remember his attending after Mr. David Pollock was retained?—Yes.

2616. Can you charge your memory with his having ever attended before that?—Yes.

2617. Upon what occasion?—In fact every consultation, immediately after the committee adjourned the business of the day, Mr. Raphael, Mr. Hamilton, Mr. Vigors, and Mr. Howley were always together in consultation and conferring.

2618. I do not mean the conversation that may take place immediately after the committee break up, but the consultation held at the chambers of the barrister, or any where else, which is professionally held as a consultation?—I do not know that we had consultations very frequently, because there was great anxiety to save expense, and I think the expenses of the consultation were saved, not as regards Mr. Howley, who, having nothing else to do here, attended to the case.

2619. Then there were no professional consultations?—Mr. Howley was counsel in the case, and he was retained and consulted.

2620. Was

2620. Was Mr. Vigors present at every consultation that took place?—Sometimes he did not attend; frequently he did, knowing the county so well.

2621. Was Mr. Vigors aware of your expectations or views upon the subject of the contest?—He was, I think; although I had those views, I was very far from inducing any of the persons concerned to suppose that there was any thing approaching to a certainty of success even at any time.

2622. Did you continue to represent that there were hopes of success?—I think not.

2623. Did you hold out no expectation of success?—I think not; I had a good opinion of the case, but I do not know how far I am at liberty before this tribunal to say that the constitution of the committee induced me to form a bad opinion of our success.

2624. You received those bills on the 14th or 15th of August?—I think I got them the day dated, but the settlement did not take place with me till several days after.

2625. You say you made no complaint in receiving bills instead of money?—I said that I did not to Mr. Vigors.

2626. Was any complaint made by any body?—No person had a right to complain but me.

2627. What complaint did you make?—I do not recollect making any; I recollect distinctly the letter to Mr. Hamilton, which is the complaint I dare say which is referred to.

2628. Have you a copy of it?—I think I have; it was an answer to a letter from Mr. Hamilton, which letter I have: it is the 25th of August. On the 20th of August I wrote to Mr. Hamilton: "Dear Sir,—I send you the account of witnesses' expenses. You will perceive that I will require the 500*l.* to-day; I will wait till I hear from you that Sheriff Raphael approves of the amount before I pay the witnesses, for whom no specific sum was agreed on." That is the 20th of August.

2629. What is the answer to that?—The answer is this: "Dear Sir,—If you had named the 500*l.* to me this morning, I might probably have then got a draft from the Sheriff. I will send your note to him, but surely what you have already in hand will enable you to pay the witnesses, to whom do not on any account give more than Mr. Vigors had bargained for; in fact, I repeat you had better this evening draw out a statement of what each witness claims, and of what he has had, and let the Sheriff see it."

2630. What date is that?—There is no date; it must have been the 21st. I wrote again to Mr. Hamilton on the 20th or 21st: "Dear Sir,—I send you the account of the 100*l.* spent in Ireland, which I understand you to consider moderate. Mr. Edge is a land agent, and was a necessary witness to produce and prove leases, and thereby show the holdings and rent of the voters objected to; his bill was taxed by the officer. Mr. Murphy was written for expressly, and will expect the usual payment. You will say whether the bills are to be paid, that I may act accordingly, and do you point out such as you think should be reserved for consideration. I will require the 500*l.* in cash, as I do not wish to have the bills given me turned into money till we finally arrange."

2631. Mr. Serjeant *Wilde*.] Is it bill or bills?—Bills; but I do not think that I had settled with Mr. Vigors till after the 26th of August for the payment of witnesses. I have another letter, which is dated Monday the 24th of August, from Mr. Hamilton: "Dear Sir,—The Sheriff was with me yesterday, and I suggested to him the propriety of seeing Mr. Vigors for the purpose of his interference with the witnesses, particularly Mr. Murphy; for on one of our discussions respecting the absence of that gentleman from the committee, Mr. Vigors stated distinctly that Mr. Raphael had no right to complain, as Mr. Murphy was not here as a witness, but on his own business; I wish you would send in your bill, and every charge respecting this business; it is rather hard on the Sheriff, who has paid 2,000*l.* in cash towards the expenses of the petition, that he should be called on to advance any more cash in consequence of his former payments being converted into long-winded bills; if he will adopt my advice, the whole proceedings should be made public. I will send your note to his house, but know not where he is." This is my answer to that letter, dated August 25: "Dear Sir,—I enclose a letter I received to-day from Mr. Vigors; Mr. Robinson has obtained an order to tax his costs. It is clear that he and the other witnesses must be paid, and the sooner they are got rid

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of the better, both in point of expense and character. The Sheriff has nothing to complain of; he agreed and undertook to pay the expenses. Whatever cause of complaint he may suppose he has against Mr. O'Connell should not be mixed up with the petition expenses; these, he must be aware from the estimate given him, must amount to at least 3,000*l.*, so that there is nothing unreasonable in requesting an advance at present of 500*l.*, particularly as he knows I got bills from Mr. Vigors and not cash. I will very soon send you in the account; but I want directions about the payment of the witnesses referred to in my note of yesterday, and the cash advance in to do so." That is the sole complaint contained in this letter that I ever made upon the subject of bills. I had intended to apply the bills in payment of professional charges, and I wanted the 500*l.* that Mr. Hamilton led me to believe there was a facility in getting from Mr. Raphael.

2632. If you had received the money instead of bills, should you have had occasion to make application for that 500*l.*?—Certainly, for I had great apprehension and doubt whether I should be able to get the money from Mr. Raphael.

2633. Had you expended money to the amount of more than the two bills for 399*l.* and 275*l.*, which you then had in your possession?—I believe so, there were four counsel in the case; I have no doubt of it; at all events the bills which I held would not do more than pay the Parliamentary charges, the briefs and matters of that kind; it is quite clear that Mr. Raphael must feel that there was a large balance due.

2634. Have you ever made out a debtor and creditor account, and sent it in to Mr. Raphael?—I have not, and I will give the reason; he has repeatedly applied to me, I believe, the account was required from me, not for the purpose of paying me, but for some other purpose. I found in the letter from Mr. Hamilton to me of the 25th of August this expression:—"If Mr. Raphael will take my advice, he will make the whole transaction public." And I knew well Mr. Raphael would do nothing that Mr. Hamilton would not approve of, and I think that he would do any thing that Mr. Hamilton would approve of. And I further found in a letter from Mr. Hamilton, September 1st, this expression:—"I want the account for very particular purposes;" and this satisfied me that it was not for the purpose of paying me; and having unfortunately had some squabbles, by which I had been brought before the public, and having no wish to have my name brought before the public in reference to Mr. O'Connell and the Carlow petition, I did not choose to send in that account to enable Mr. Raphael to publish it, an intention which I told to Mr. Vigors.

2635. Are you now enabled to say in what manner you received the 1,000*l.*?—I am.

2636. Will you state that?—There was the 300*l.*, and I received those two bills upon the settling on the 25th or 26th of August, something late in the month of August with the witnesses, Mr. Maher, was present, also Mr. Vigors and Mr. Fitzgerald; and I found that the witnesses had been paid by Maher and by parties in Ireland a very large sum of money, which Mr. Maher said I was to pay him. Upon making up the accounts, finding that he had paid the witnesses about 300*l.*, I then, instead of giving him cash, which I felt no disposition to do, gave him one of the bills; but I received to the full amount by the bills, and cash of the 1,000*l.*, and I told Mr. Hamilton and Mr. Vigors that I would give credit for the 1,000*l.* that I had received from Mr. Vigors as from Mr. Raphael. I have the copy of the letter from me to Mr. Hamilton, in reply to one in which he stated, that he wanted the account for very particular purposes; my letter was as follows:—"Dear Sir, I very much regret the delay in sending in the account, but having several others more pressing to attend to, I hoped the delay of a few days might not be inconvenient to you or the Sheriff; I will send the account to your office in the course of a few days. I intend to give credit for 2,000*l.*, charging thereout the payments to witnesses, &c., the receipts for which I hold; you are aware that of this I had about 679*l.* or thereabouts in bills, which there can be no doubt are good, and will be duly met; including these, and every other sum to be credited, the amount will be 2,000*l.*"

2637. Will you have the kindness to state in what manner you received the 1,000*l.* from Mr. Vigors, or Mr. O'Connell, or any body?—To Mr. O'Connell I had never any thing to say. Mr. Vigors handed me a 300*l.* cheque, and he banded me two bills, 399*l.* and 275*l.*; and upon settling with the witnesses,

and

and finding that Mr. Maher had paid 300*l.* that was due to the settlement of the witnesses, I handed him over the bill for 375*l.*, and the rest in cash; at all events he got full credit for the amount that he had paid.

2638. Mr. Serjeant *Wilde*.] Will you see whether that amount was 306*l.*?—I believe it was.

2639. Sir *F. Pollock*.] Will you state how you make out the 1,000*l.*?—I make out a cheque, 300*l.*; bill for 399*l.*, less by interest; 394*l.* payments to witnesses by Mr. Maher, (for which I paid him by bill 275*l.*, and cash), 303*l.*

2640. Did you receive that sum of 306*l.* from Mr. Vigors, or from any body else?—No.

2641. How can you make out that you received 1,000*l.*?—I received the two bills, or rather I received receipts for money which was paid for me.

2642. Did you receive the two bills, and expend one of them, that for 375*l.*, in payment of witnesses?—I paid Mr. Maher the money that he had paid, on account of the defence of the Sitting Members, to witnesses.

2643. At what value was the 375*l.* taken?—Less by the interest.

2644. How much?—Two or three pounds; I had originally charged that in making up the account of the 1,000*l.*; that Mr. O'Connell was to pay interest. Mr. Vigors said, "there should be an account of interest;" I charged the interest for the 399*l.* against Mr. Vigors; and I charged in like manner against the bill of 375*l.*; of course I gave Mr. Maher the benefit of that discount; I believe so.

2645. The amount of the interest upon the 399*l.* bill was 5*l.*?—Yes.

2646. And the other was 3*l.* or 3*l.*; have you any means of telling the Committee whether any calculation was made?—Yes, it was made; there was a bit of paper upon the table; a calculation was made upon it, and Mr. Vigors took all the papers and the calculation with him away.

2647. You say when Mr. Vigors brought the bills, the first thing was to settle the account with Mr. O'Connell?—Yes, he brought me those bills on the 15th of August, and asked me, "Will these answer for you?" I said, "They will do very well." Upon the 25th or 26th of August, on settling with the witnesses, he told me the bills and cash already received more than exceeded the thousand pounds, and that he wanted to settle that account; he wanted to see how much it was those bills exceeded the thousand pounds that was to be paid, and it was upon that occasion that I handed over the bill for 375*l.* to Mr. Maher.

2648. You say that there was 15*l.* over; how was that made out?—Mr. Vigors told me that he had received 50*l.*; he got the 300*l.* cheque which he handed to me; he had received 50*l.*, at least he charged himself with it; he had received those bills, and I think that will make up the amount.

2649. Mr. Serjeant *Wilde*.] Was it 250*l.*?—No, I make it 1,016*l.*, 300*l.*, 304*l.*, 394*l.*, and 272*l.*

2650. What was the sum of 50*l.*?—It was cash, as given to me.

2651. Mr. Serjeant *Wilde*.] There had been sent to Ireland 500*l.* and 304*l.*, and there remained a cheque given for 250*l.*, and Mr. Vigors takes 50*l.* of that first thousand pounds, and applies that to the second thousand pounds.

2652. Sir *F. Pollock*.] On what day did you make that calculation with Mr. Vigors?—I think the 26th of August, or 27th; it was late in August.

2653. Mr. Serjeant *Wilde*.] If the Committee understand you correctly, according to the arrangement made with the witnesses and approved by Mr. Hamilton and Mr. Raphael, you would have had to pay them 510*l.*?—Yes.

2654-5. There had been, as you were informed, and as was afterwards allowed by the witnesses, 306*l.* paid in part of that sum?—Yes.

2656-7. And you paid them so much the less, and took the receipts as cash?—Yes.

2658. If the Committee understand you correctly, taking those receipts as cash, you would have received 306*l.*, 300*l.* in cheque, 394*l.* in bill, and 275*l.* in bill, which would make 1,275*l.*, which overpaid them 275*l.*, and you returned the 275*l.* bill?—Yes, my anxiety was that I should get the thousand pounds in some way or other in receipts, bills or money.

2659. And having received this you returned to Maher the bill of 275*l.*?—I gave him that instead of money.

Mr. Thomas Baker.

8 March 1836.

2660. Which left the 1,000*l.* in your hands?—Yes.

2661. How soon after the committee sat did you form an unfavourable judgment of your tribunal?—Immediately.

2662. When first did you become aware of the necessity of your giving evidence that the voters had been objected to at the registry?—Counsel was instructed by me to oppose a scrutiny at all or the opening of the registry. We had succeeded in 1833, I acting for the same party, which was called the Liberal party, in closing the register; the committee, on that occasion, holding that the registry was conclusive. I instructed Mr. Harrison to make the same attempt; he was unsuccessful, and the committee held, that though they had full power to inquire into the validity of every vote upon the registry, it was expedient not to inquire into any case where an objection was not made below; then I feeling the difficulty that I was in in acting for this party, who had no paid agent at the registry, I endeavoured to get the committee to rescind the latter part of the resolution and leave it open; if it had been so, I have no doubt that our cause would have succeeded.

2663. When was it that the committee came to that resolution?—The 31st of July; and it was at the consultation after that decision had been come to by the committee that I wrote a letter to the sitting Members, informing them that the inquiry would be long and tedious and cost 4,000*l.*

2664. Were you apprised at that time that there had been no paid agent for the liberal interest at the registry?—I knew so much of the party that I had a perfect knowledge of it.

2665. How long were you engaged in contesting the votes of the sitting members?—Up to the 18th of August, I think, or on the evening of the 17th.

2666. Had you any conversation with Mr. Vigers, either at the time of the ballot or between that and the 31st of July, as to his opinion of the state of the committee and the probable result of the petition?—I do not think that he knew it as well as I did; we often chatted upon the subject.

2667. Can you say whether or not he considered his case hopeless on the 31st of July?—It did not bear so favourable an aspect, but we did not consider it hopeless, I think; not at least in my recollection.

2668. What do you suppose, from the best calculation you can form, was the amount of your bill on the 25th of August; when did you receive the bills?—On the 14th of August.

2669. What was the amount of your bill up to that time?—I should say 2,000*l.* if not more; it was the 5th of August when Mr. Raphael was apprised fully, indeed I thought that he was under that impression before, but, however, upon the 5th of August, after the interview that took place between him and me, there could be no misconception on his part; on that occasion there was but 1,300*l.* expended, but he was fully aware he was to go on.

2670. You mentioned that Mr. Raphael, on one occasion, mentioned Mr. O'Connell; you were asked whether Mr. Raphael referred to Mr. O'Connell's name, will you be so good as to mention in what way Mr. Raphael referred to Mr. O'Connell's name?—He said that he had seen Mr. O'Connell at the House, and also had seen Mr. Vigers. This was when he came to instruct me as to his particulars of qualification.

2671. What did he say of Mr. O'Connell?—He said that Mr. O'Connell had told him to come to me, that he had received the letter, that he had seen Mr. Vigers and Mr. O'Connell at the House, that Mr. O'Connell told him to come to me; he then chatted with me, and appeared not to understand that I had been the agent for the petitioners against Messrs. Bruen and Kavanagh's return, and said he was surprised at the favourable view Mr. O'Connell had of me when I seemed to be opposed to him.

2672. Did you say anything upon the subject of being employed by Mr. O'Connell?—I never thought that I was employed by Mr. O'Connell.

2673. What did you say to Mr. Raphael when he said that Mr. O'Connell had desired him to bring you his qualification?—I think more surprise, but Mr. O'Connell's name was coupled with Mr. Vigers, and as Mr. O'Connell was brought into this affair at Mr. Raphael's suggestion, as his friend, I was not surprised at his name being used, but not as employing me as agent.

2674. When was it you mentioned that you would have nothing to do with it if Mr. O'Connell was the principal?—On the 5th.

2675. Did you ever receive a check from Mr. Vigers of 250*l.*?—No, there

was no dispute whatever about the witnesses; it was arranged that they should get 30*l.* a-piece, which amounted to 310*l.*, which was paid by me and Mr. Maher.

2676. Do the items of disbursement, as well as the items of credit which you have spoken to, all refer to the election at which Mr. Raphael and Mr. Vigors were returned?—Yes.

2677. Did that wish of the discontinuance of Mr. Harrison arise from Mr. Hamilton or from Mr. Raphael?—From Mr. Raphael; but Mr. Raphael was very decided upon the subject of both.

2678. Have you thought it right, in consequence of the situation you stood in with regard to Mr. Raphael, to decline communicating with Mr. Parkes?—Yes; and I may state that I have adopted the same course with regard to Mr. Lyon; I said that if they brought me Mr. Raphael's directions, I should be desirous to give all the information in my power; but Mr. Raphael was the person entitled to all the information I could give as my client. Mr. Raphael has authorized me to give evidence before this Committee.

The Rev. James Maher, called in; and Examined.

2679. Mr. Serjeant Wilde.]—YOU were a member of the Liberal Committee Carlow?—I was.

2680. Did you assist Mr. Vigors in the election of 1835, when he and Mr. Raphael were returned?—I did.

2681. Did you receive any money from Mr. Vigors for disbursements; tell the Committee whether you received 120*l.* and 10*l.*?—I did.

2682. Look at that paper, and say whether that is an account of the manner in which you disbursed that sum to persons for expenses—[an account being handed to the witness]?—It is.

[The Account was delivered in, and read.]

PAPER No. 1, referred to in Mr. Maher's Account.

Sum paid by Mr. Maher from the 21st June 1835 to July 20th.

	£.	s.	d.
Poor of Carlow	10	—	—
Henry Foster	4	10	—
Wade	1	—	—
James Dillon, travelling expenses	1	10	—
Bolger, printing	27	—	—
John Walsh	1	—	—
Owen McCabe	4	10	—
Barrett at Tallow	10	—	—
Berwick	5	—	—
Ditto	10	10	—
Murphy	5	5	—
Barrett	5	5	—
Michael Toby	8	—	—
Flanagan	5	—	—
Berwick and Murphy	10	10	—
Maryborough	6	—	—
Fitzgerald	1	—	—
Mr. Fitzgerald, by Mr. Hume, for expenses at Tallow	10	—	—
Bolger, balance for printing	2	10	—
Miss Bolger	6	—	—
Mr. Hughes	1	—	—
To Mr. Fitzgerald, for Bunbury	1	10	—
Mrs. Hanlon	6	9	—
Mrs. O'Neil	2	11	—
Byrne, pensioner	2	—	—
	£.	130	—

2683. Besides that, do you remember 17 witnesses being brought over from Ireland?—Yes.

2684. Did you out of the money furnished by Mr. Vigors make payments to those witnesses to the amount of 306*l.*?—I know nothing about the payments which Mr. Vigors has made; I received from Mr. Vigors, I believe at Mr. Baker's house, a bill of 275*l.* and this I handed over as soon as it was cashed to Mr. Fitzgerald; I believe he has the account of that.

The Rev.
James Baker.

8 March 1838.

2685. Were you present at the settlement of the account between Mr. Baker and Mr. Vigors, in which settlement were comprised certain advances to witnesses?—It was at that time when a settlement took place between Mr. Baker and Mr. Vigors that I received the bill for 275*l*.

2686. Were those payments made by you or by Mr. Vigors?—I did not make the payments myself; I handed the money over to Mr. Fitzgerald.

2687. Do you remember, upon the occasion of the settlement with Mr. Baker, any claims being made in respect of advances of money to the witnesses who were in attendance?—Yes.

2688. Do you remember the amount claimed in respect of those advances to witnesses?—No, I do not; I did not trouble myself much about the pecuniary transactions.

2689. At the close, you received a bill of 275*l*?—Yes.

2690. With whom did Mr. Baker make the settlement?—With Mr. Vigors.

2691. You were present, and who besides?—I think Mr. Fitzgerald was in the room at the same time.

2692. You had not made any payments which were claimed on account of witnesses?—No.

2693. The account was with Mr. Vigors?—Yes.

2694. That 130*l* was independent of the 275*l*, or the produce of the bill?—Yes, I received this 130*l* in Ireland.

2695. You got that bill discounted, and handed the produce to Mr. Fitzgerald?—I did.

2696. Did you retain any part of that bill, or hand the whole proceeds to Mr. Fitzgerald?—I handed him 268*l*.

2697. And 2*l*. afterwards?—Yes.

Daniel O'Connell, Esq. a Member of the House, was called.

Daniel O'Connell,
Esq. *et. p.*

Mr. Serjeant *Wilde* stated, that in his opinion he had so abundantly cleared the character of Mr. O'Connell by other testimony, that he did not wish to examine Mr. O'Connell, but that an opportunity was afforded to Sir F. Pollock and to the Committee of examining him.

Sir F. Pollock stated that he had no question to put.

Mr. O'Connell.] I am exceedingly desirous that any question that may be supposed to throw light upon this transaction should be asked. I would wish to add simply this, that the terms of my guarantee to Mr. Raphael, in my opinion, go to an extent which have not been complied with; a difference having arisen between me and him as to the construction of those terms, and he having paid money subsequently; I always have been, and I always shall be, ready to leave that question to any one gentleman of integrity whom he may appoint. If that gentleman puts the construction that Mr. Raphael puts upon the guarantee, whatever becomes of it, without now charging Mr. Vigors, I will most readily pay it out of my own pocket, if he differs from me.

Mr. Serjeant *Wilde* stated that Mr. John O'Connell was in attendance, if Sir Frederick Pollock or the Committee wished to examine him.

Sir F. Pollock stated that he had no question to put to Mr. John O'Connell.

The Chairman stated that the Committee had no question to put.

[*Mr. Serjeant Wilde delivered in the Address of Mr. Raphael to the Electors of Carlow, which was read, as follows:*]

London, 8th June 1835.—To the honest and independent Electors of the County of Carlow.—I am encouraged by some friends of Ireland, who know the sincerity of my attachment to that ill-treated Country, to offer myself as a candidate to represent the wants and wishes of the people of Carlow County in Parliament. I am the more readily induced to do so, as I have, I hope, the means, and I know I have the inclination, to become a landed proprietor in your county. The principles on which I offer myself to your consideration, are those which I have always cherished; namely, the principles of Civil and Religious Liberty. Should you do me the honour to elect me, I am determined to aid His Majesty's present Ministers in the constitutional working-out of all the beneficial results which ought naturally to follow the great measure of Parliamentary Reform. Every just and practical measure calculated to extinguish the present odious Tithe system in Ireland shall have my decided support; and to the reform of Municipal abuses, and the abolition of Corporate Monopoly in Ireland,

Ireland, as well as in Great Britain, I will devote my best and most unsemitting energies. No man can be more deeply convinced than I am, that the Irish Corporations require correction and amelioration more than those of any other part of the empire. I therefore address you as the sincere and unequivocal friend of Reform, of retrenchment of public expenditure, and of the correction of all abuses, and as the steady supporter of all the wise and salutary measures of His Majesty's present Ministers. Should you do me the honour to elect me, you shall always find me faithful to my principles as I now announce them to you, and unsemitting in my attention to all my Parliamentary duties. I regret that the cares of the high office in which the kindness and practical liberality of the citizens of London have placed me, prevent me from soliciting your suffrages in person; but I am sure that my cause will not suffer from an absence which can be attributed only to my fidelity to my other public engagements. I have the honour to be your very obedient faithful Servant,

Daniel O'Connell,
Esq. M. P.

March 1836.

Alexander Raphael.

Mr. Serjeant *Wilde* stated that he had no other evidence to offer to the Committee, and suggested whether the Committee would wish to hear Sir Frederick Pollock and himself make observations upon the evidence.

Sir *Frederick Pollock* stated that the terms of his appointment by the House, as nominee, were only that he should examine witnesses, and that he had not applied his mind to the evidence with the object of summing it up in any way.